

Submission L001 (Steve McClain, Bakersfield City School District, October 20, 2012)

BAKERSFIELD CITY SCHOOL DISTRICT

Steve McClain
Chief Business Officer

EDUCATION CENTER, 1300 BAKER STREET
BAKERSFIELD, CALIFORNIA 93305-4326
(661) 631-4675
FAX: (661) 324-2497



October 18, 2012

California High-Speed Rail Authority
Attention: Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814

Subject: Revised Draft EIR/Supplemental Draft EIS Comment

To Whom It May Concern:

Bakersfield City School District ("BCSD" or "the District") has reviewed the Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS ("the Revised Draft") for the California High Speed Train Project ("the Project") and offers the following comments:

Bakersfield City School District, which is located in metropolitan Bakersfield, was established in 1882 and is the largest K-8 elementary school district in the state of California. The District has 41 school sites and due to ongoing growth during the last several years now educates more than 29,000 students, with 88% of students qualifying for free and reduced cost meals.

Close Proximity to Schools

There are three alternative routes proposed for the Project as it travels through metropolitan Bakersfield: Bakersfield North, Bakersfield South and Bakersfield Hybrid. Eight of the district's school sites (representing approximately 20% of the district's schools and over 5,000 students) exist within one-quarter mile of the proposed alternatives. The schools are Franklin Elementary, William Penn Elementary, Williams Elementary, Mount Vernon Elementary, Garza Elementary, Sierra Elementary, Owens Primary and Owens Intermediate. Under the Bakersfield North Alternative, the rail pathway runs approximately 100 feet or less to the north of Owens Intermediate School and, according to the Revised Draft, would require the High Speed Rail Authority to acquire a portion of the school parking lot, thus significantly impacting the campus.

L001-2

A comprehensive safety study should be performed by the High Speed Rail Authority prior to construction in order to provide assurance to the District and the community it serves that the Project does not adversely affect the safety of students and staff.

L001-3

Disruption of Transportation

According to the Revised Draft, the Project would result in permanent road closures as follows:

Bakersfield North Alternative – portions of F Street and Chico Street
Bakersfield South Alternative – portions of Butte Street
Bakersfield Hybrid Alternative – portions of Eye, Butte, Inyo, Dolores, Kern, Eureka, King, E. 18th and E. 21st Streets

Additionally, there would be impacts on bus transportation during the Project construction period, which could last for a significant period of time. Travel distances may be increased and route changes would inevitably lead to increased transportation costs for the District. Pedestrian, bicycle and automobile traffic could also be significantly impacted.

L001-4

Residential Displacements

According to the Revised Draft, the Project would result in residential displacements to BCSD as follows:

Bakersfield North Alternative – 111 residential relocations and 62 students displaced
Bakersfield South Alternative – 118 residential relocations and 66 students displaced
Bakersfield Hybrid Alternative – 48 residential relocations and 27 students displaced

As a result of these displacements, students might relocate outside of the District, resulting in a loss of funding. In light of the ongoing school funding crisis, this would have a significantly negative impact on the District.

L001-5

Environmental Impacts

Construction will be occurring during hours when the schools are occupied. Noise, air quality and construction activities may negatively impact the education of students.

L001-6

According to the Revised Draft, Owens Intermediate School would experience severe noise impacts under the Bakersfield North Alternative and moderate noise impacts under the Bakersfield South and Bakersfield Hybrid Alternatives. Mount Vernon Elementary School would experience moderate noise impacts under the Bakersfield South Alternative. Even after taking into account mitigation measures, the Revised Draft is not specifically clear whether such measures would reduce these impacts to an acceptable level.

As stated above, the Project has potentially significant negative impacts on the students of the Bakersfield City School District. If other viable alternative routes through or around Bakersfield exist that avoid the impacts to students as described above, they should be given ample consideration.

L001-1

Submission L001 (Steve McClain, Bakersfield City School District, October 20, 2012) - Continued

Thank you for the opportunity to comment on the Revised Draft.

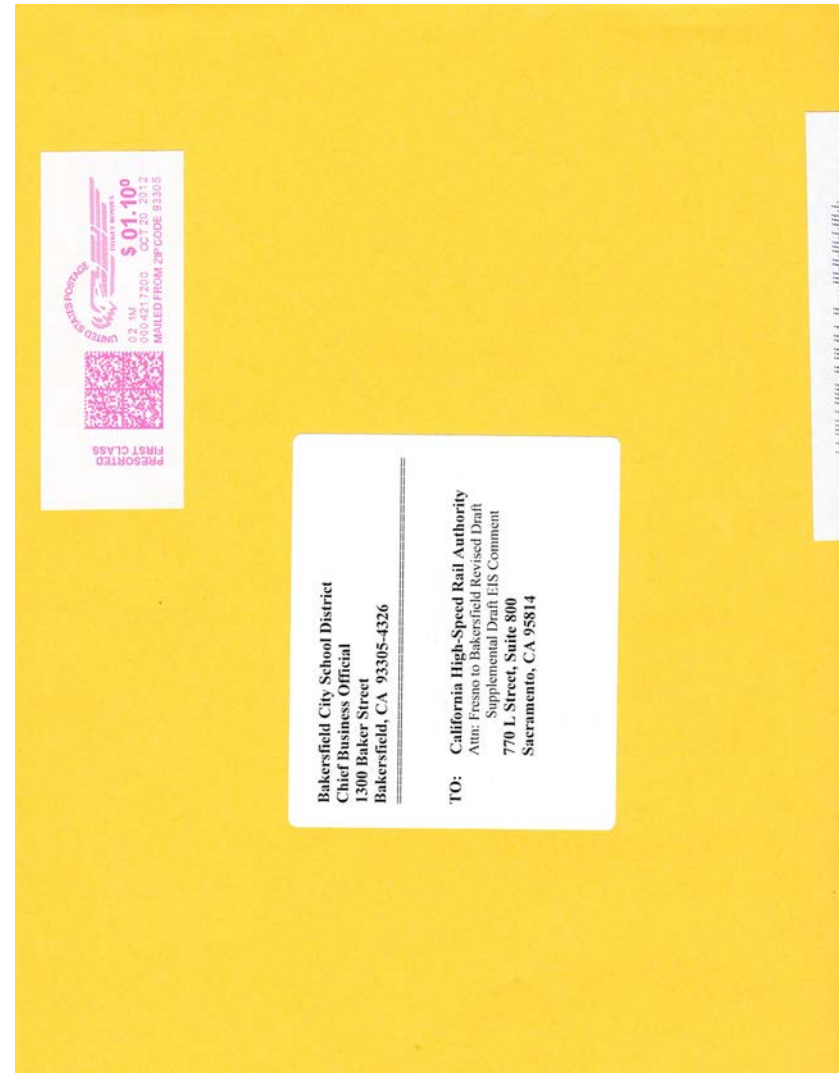
Respectfully,



Steve McClain
Chief Business Official
Bakersfield City School District

cc: Dr. Robert J. Arias, Superintendent

3



Response to Submission L001 (Steve McClain, Bakersfield City School District, October 20, 2012)

L001-1

Refer to Standard Response FB-Response-HMW-01, FB-Response-S&S-02.

The straddle bent column required for the Bakersfield North (i.e., the BNSF) Alternative may take as many as 7 of the approximately 50 parking spaces in the lot of Owens Intermediate School. It is not expected that this small reduction in the number of parking spaces would significantly affect school operations.

L001-2

An analysis of the safety of the HST relative to schools is provided in Section 3.11.5 of the EIR/EIS.

L001-3

Refer to Standard Response FB-Response-TR-01, FB-Response-TR-02.

Refer to Impact TR #10 – Impacts on Regional Transportation System. As stated in Design Feature 7) Maintenance of Public Transit Access and Routes of the Final EIR/EIS, the Authority will coordinate with the appropriate transit jurisdiction before limiting access to public transit and limiting movement of public transit vehicles. Potential actions that would impact access to transit include, but are not limited to, relocating or removing bus stops, limiting access to bus stops or transfer facilities, or otherwise restricting or constraining public transit operations. Public transit access and routing will be maintained.

L001-4

Refer to Standard Response FB-Response-SO-05.

See EIR/EIS Volume II Technical Appendix 3.12-B for analysis of the potential effects on school district funding.

L001-5

Refer to Standard Response FB-Response-AQ-05.

The air quality analysis has identified emission impacts from the project during the

L001-5

construction phase. The regional significant construction emission impacts will be completely offset to below a level of significance through the Voluntary Emissions Reduction Agreement between the Authority and the San Joaquin Valley Air Pollution Control District, as well as by the use of project design features described in Section 3.3.8 of the Final EIR/EIS. Therefore, impacts from regional construction emissions would be less than significant for school students.

Quantitative health-risk analysis from construction activities has been conducted for sensitive receivers at schools within 1,400 feet of the Bakersfield station, and health-risk impacts are presented in Section 3.3.6.3 of the Final EIR/EIS. Health-risk impacts from construction activities at the Bakersfield station are mitigated to less than significant, as presented in Section 3.3.9. Other localized impacts on school students from construction would be less than significant because the period of construction would be short-term, and therefore the potential for cancer risks to students would not be significant.

L001-6

Refer to Standard Response FB-Response-N&V-05.

According to the California High Speed Rail Authority's mitigation measure guidelines, the noise levels generated by operations of the HSR at Owens Intermediate School and Mt. Vernon Elementary School will be reduced to acceptable noise levels.

Submission L002 (Mark Scott, City of Fresno, October 22, 2012)



Mark Scott
City Manager



October 18, 2012

Mr. Jeff Morales, CEO
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

**RE: Comments regarding Fresno to Bakersfield High Speed Train
Revised Draft EIR/Supplemental Draft EIS**

Dear Mr. Morales:

Thank you for the opportunity to review and comment on the Revised Draft EIR/Supplemental Draft EIS ("Revised Draft") for the Fresno to Bakersfield segment of the proposed High Speed Rail project. The City understands that the Authority will not only be responding to the written comments received on this Revised Draft but also to the written comments received on the original Draft EIR/EIS. In an effort to make the High Speed Rail project the best for the State of California, for our metropolitan region and for the local community, please consider these comments the City is providing, as well as the comments the previously provided on the original Draft EIR/EIS, as you prepare the Final EIR/EIS. In preparing this comment letter, the City has attempted to compare the changes included in the Revised Draft with the City's original comment letter to determine if this Revised Draft has included any of the changes the City previously requested. However, because of the length and complexity of this Revised Draft the City may not have identified all of the beneficial changes the Authority has made. After conducting its review of the Revised Draft the City's continuing concerns generally fall into the categories below:

- The need for underpasses versus overpasses at several street-railroad grade separations;
- Configuration of the proposed Church Avenue grade separation
- Construction impacts (traffic management plan, limitations and restrictions upon road closures);
- Adequacy and timing of certain traffic mitigations;
- Economic impacts to businesses, sales tax and property tax;

City of Fresno
City Hall • 2600 Fresno Street • Fresno, California 93721-3601
(559) 621-7770 • FAX (559) 621-7776 • www.fresno.gov

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 2

L002-1

- Protection of existing sewer and water pipelines, provision for future crossings;
- Adequacy of historical resources analysis

In terms of fiscal and economic impacts, the City of Fresno wishes to emphasize that the high speed rail project should not result in any cost or negative revenue impacts to the City. City staff will be pleased to assist with processing of items required for the project including plan checks for public improvements, traffic control plan reviews, inspections and acceptance of City facilities. Of course, CHSRA will be completely responsible for financing the mitigation measures within the City of Fresno or its sphere of influence, and as a result, no City of Fresno funds, resources or staff time will be required for the mitigation measures or processing of items unless the CHSRA fully compensates the City. It is the City's expectation CHSRA will bear the full costs associated with the project's impacts, including impacts to the City's residents and businesses. Our specific comments are listed below by section of the Draft EIR/EIS. As can be seen from the extensive comments provided in this letter, the City has concerns that the Revised Draft has not sufficiently analyzed a significant number of potentially significant environmental impacts to the City of Fresno from this Project.

L002-2

SECTION 3.2: TRANSPORTATION

Section 3.2.5 of the Draft EIR/EIS states that "during project design and construction, the Authority and FRA would implement measures to reduce impacts on circulation."

Project construction has the potential, if not mitigated, to create significant impacts to emergency response and public safety, result in significant traffic congestion, delays and short-term air quality impacts by either the full closure of roadways or lane closures, that would in turn result in detours or significant delays to the traveling public and emergency responders. Impacts to emergency response time (i.e. police, fire, and paramedic) could potentially result in loss of life, injury or property damage as a result of the CHSRA project, if not properly mitigated. Arterial and collector streets, within both the City and Caltrans right-of-way (i.e. freeway overpasses) are relied upon by emergency responders such as the Fresno Police Department and Fresno Fire Department. Detours, closures and lane restrictions therefore have the potential to impact emergency response times, thus creating a potentially significant impact to public safety that needs to be addressed. Ordinarily a stage construction and traffic handling plan would be prepared during the final design of a project, after CEQA/NEPA clearance. However, due to the proposed design-build delivery method of the project, the City is concerned that this approach will be inadequate, in that traffic control requirements that do not make it into the bid set, or bridging documents, would have a strong likelihood of becoming change orders, claims or generally cost increases to the project.

The Policing District impacted by the HSR is the Southwest Policing District (HSR tracks south of McKinley Blvd). Information such as proposed construction schedules, defined construction zones, security needs for building sites or building materials (to coordinate with private security if used), would assist in developing adequate travel alternatives for law enforcement emergency calls. It is not adequate to defer the development of a traffic management plan to the final design stage given the potential impacts which may or may not be mitigated by the future plan that would be developed. A comprehensive plan should be developed in conjunction with the Fresno Police Department, Fresno Fire Department and California Highway Patrol for this area. Major construction/grade separations on east-west

Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 3

L002-2

roadways do not appear to have contemplated the impact upon emergency responders and public safety for the project area. More specificity is needed in order to ensure that these impacts are mitigated.

L002-3

The Revised Draft is inadequate in that these construction impacts have not been analyzed nor has a plan been put in place to mitigate the impacts. Traditionally some of these requirements for stage construction and lane closure or road closure restrictions would be put in place during the final design of the project. However, due to the proposed design-build delivery method of the project, this approach will be inadequate, in that traffic control requirements that do not make it into the bid set, or bridging documents, would have a strong likelihood of becoming change orders, claims or generally cost increases to the project. The traffic control requirements need to be put in place as mitigation measures to reduce these traffic related construction impacts to less than significant. The City is pleased that in response to the City's original comment letter, the Authority has included as project design features at p. 3.2-127 through 3.2-128 the following to help mitigate transportation related construction impacts:

- Maintain detection at signalized intersections where alignment changes or widening is necessary, in order that the traffic signal does not need to be placed on recall (fixed timing).
- Changeable message signs (CMS) shall be employed to advise motorists of lane closures or detours ahead. The CMS shall be deployed seven (7) days prior to the start of construction at that location.
- Where project construction causes delays on major roadways during the construction period, the project shall provide for a network of CMS locations to provide adequate driver notification. For example, construction-related delays at the railroad grade separations that lead to State Route 99 freeway interchanges will require CMS placement to the east to allow drivers to make alternate route decisions. (Please Note that it appears that the Authority copied this measure from the City's comment letter on the Draft EIR/EIS for the Merced to Fresno Section. As such it refers to streets located north of the proposed Fresno Station. The City requests that this measure be revised to include the following language: "In the case of work on Fresno Street, recommended placement would be a CMS at Broadway just east of the UPRR underpass, at Van Ness and a CMS at the intersection of Fresno and Divisadero. Similar CMS usage shall be required along Ventura Avenue, Church Avenue and Central Avenue." Alignment of roadways to be grade-separated and freeway overpasses to be reconstructed shall be offset from the existing alignment to greater facilitate stage construction wherever it is feasible.

L002-4

However, the City requests that the following measures be added to the Project Design Features to further mitigate the transportation related construction impacts:

- In regards to the existing railroad crossings at Fresno Street, Tulare Street and Ventura Avenue, two of the three crossings shall remain open at any given time. Alternatively, should it only be feasible to keep one crossing open, detours shall be implemented including the necessary traffic controls to accommodate the demand volume of traffic at each crossing. For example, a Tulare Street at-grade crossing closure may involve a detour to the Kern Street crossing, in conjunction with traffic signal installations, traffic signal phasing modifications and restriping as necessary at Tulare and F Street, Kern

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 4

L002-4

and F Street, Kern and H Street, plus Tulare and H Street. A similar approach would be required for Ventura Street and a potential Mono Street detour.

- The existing Church Avenue at-grade railroad crossings at UPRR and BNSF shall remain open with one travel lane in each direction, until the Church Avenue overpass has been constructed and is open to traffic. Alternatively, a Church Avenue detour may be implemented provided that the existing crossings at Van Ness and Florence remain open and that improvements are made along an Orange Avenue to Jensen Avenue detour route, including traffic signal installation at the intersection of Jensen Avenue and Pullman Avenue.
- In regards to the existing railroad crossings at Central Avenue and American Avenue, these shall not be closed at the same time.
- Mitigation measures, such as intersection improvements or signalization, associated with the closure of railroad crossings in the South Van Ness Industrial area (i.e. Van Ness, Florence, Belgravia) shall be constructed prior to closure of the railroad crossings.
- The CHSRA shall develop a traffic management plan for large events at Chukchansi Park at Tulare and H Street, as well as the Convention Center/Selland Arena/Saroyan Theater events in downtown Fresno. The plan shall be developed by the CHSRA for review and approval by the City of Fresno, in order to provide for public convenience and safety in traveling to and from large events at these venues in the Downtown Fresno area. It may be necessary to cease construction activities in the downtown area on special event days, open all lanes to event traffic and/or provide public notification of special event traffic routes through media releases (i.e. radio, newspaper, TV) by the CHSRA.

L002-5

Pages 3.2-129 through 3.2-137 discuss the mitigation measures necessary for the area surrounding the Downtown Fresno Station. Some of the proposed mitigation measures fail to provide adequate traffic mitigation, either due to not going far enough to address the needs, or the measures fail to be consistent with the City's adopted General Plan and associated policies. The proposed measures need to be modified as follows in order to provide adequate mitigation:

- Intersection #6 (SR 99 NB Ramps/Ventura Street): The intersection will meet signal warrants at the time of HST project completion. Road closures will increase traffic to this location and therefore the HST project should install the traffic signal with the initial project construction.
- In regards to Table 3.2-45, "Future (2035) Plus Project Mitigation Measures – Fresno Station", the City is concerned that the DEIR/EIS does not prescribe a method for implementing these mitigation measures. This project is being funded with one-time money for this segment and assuming other project segments are funded in a similar manner, those Federal dollars may not be eligible to implement future year mitigation measures for a previously constructed project segment, thus creating a CEQA/NEPA issue for these traffic impacts. Furthermore the HST project's reconfigurations, realignments and road closures represent alterations to traffic patterns that will be permanent upon project completion, thus creating the impact at the time of project construction. Therefore the project must either construct these mitigation measures now with initial project construction, or create a legally binding and enforceable agreement between the State of California and City of Fresno for the construction of these improvements upon 180 days notice by the City when traffic conditions warrant the particular improvements. Such an agreement should be consistent with existing case law

Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 5

L002-5

- (e.g. Anderson First Coalition v. City of Anderson) and entered into prior to certification of the Final EIR/EIS.
- The widening of a number of intersections and roadways would conflict with the City's 2025 Fresno General Plan. Existing Plan policies give the highest priority to street improvements that will not jeopardize or negatively impact neighborhoods (GP E-1-c). General Plan Policy E-1-j is directing pedestrian and other non-motorized travel enhances complementing safety and efficiency of the street system. The Central Area Community Plan, Transportation, Circulation and Parking chapter articulates one major objective by promoting pedestrian circulation and activity taking full advantage of the aesthetic and convenience potentials. The Community Plan goes on to express the importance of a user friendly circulation system and the linkage between local street patterns, traffic and pedestrian flow to a major activity center. None of these policies will be satisfied if overpasses are constructed with 30 foot berms which eliminate direct street access and re-routes local traffic through adjacent properties. Overpasses which are not ADA accessible, walkable or conducive to non-motorized travel clearly conflicts with existing general and community plan policies. There are no technical studies, substantial evidence or discussion (e.g. cueing studies, traffic counts, evaluation of properties adjacent to the proposed take-off or landing points of the overpass, calls for graffiti removal, urban decay analysis, potential aesthetic impacts, division of an existing neighborhood) to substantiate the conclusion that an overpass would reduce impacts, compared to an underpass option. Therefore, the City would not be supportive of widening the following intersections and roadways, specifically:
 - Intersection #21, H Street and Kern Street
 - Intersection #25, H Street and Tulare Street
 - Intersection #26, Van Ness and Tulare
 - Intersection #42, Van Ness and Fresno
 - Intersection #66, Van Ness and Divisadero
 - Intersection #74, Blackstone and Belmont
 - Intersection #83, Fresno and F Street
 - Roadways: We do not support the widening of Tulare Street to six lanes between Broadway and Van Ness, nor do we support the widening of Divisadero to six lanes between Fresno Street and SR-41.
 - Intersection #24 would have to be a grade-separated intersection as only the underpass (Tulare going under HST and UPRR) is viable for Tulare Street. The EIR/EIS fails to address the impacts that would be created by an overpass at this location, such as historic impacts to the Fulton Mall, impacts upon stadium and parking garage operations, loss of circulation to businesses and visual impacts associated with an elevated structure in close proximity to the main stadium entry. There are no technical studies, substantial evidence or discussion (e.g. shadow analysis, calls for graffiti removal, urban decay analysis, potential aesthetic impacts, division of an existing neighborhood) to substantiate the conclusion that an overpass would reduce impacts, compared to an underpass option.
 - The Revised Draft suggests that impacts to intersection 33, Divisadero / SR-41 Northbound Ramps / Tulare Street can be mitigated through a simple re-timing of the traffic signal. This is questionable as Caltrans has thoroughly evaluated this interchange for many years and has already optimized it to the best of its ability. If a new timing plan can truly improve operations to a satisfactory level, we would certainly appreciate the CHSRA sharing that timing plan with Caltrans. But if modifying the timing would not satisfactorily mitigate impacts for the Existing plus Project scenario, then the Revised

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 6

L002-5

- Draft should propose an appropriate mitigation that actually increases the intersection capacity.
- Section 3.2 of the Revised Draft should be modified to reflect and include Ventura going under HSR and Union Pacific, with a signalized at-grade intersection at H Street and a grade separation between G Street and Ventura.
 - The CHSRA should also ensure that Section 3.2 of the Revised Draft addresses the removal of the Tuolumne Street Overpass at UPRR, conversion of Tuolumne from F Street to G Street to two-way traffic, conversion of Tuolumne Street from H Street to Van Ness Avenue to two-way traffic, and conversion of Stanislaus Street from State Route 99 to P Street to two-way traffic, including the reconstruction of the Stanislaus Street bridge at UPRR to a four-lane facility between F Street and Broadway Street. The CHSRA should be sure to include appropriate intersection traffic control devices at the intersections of Stanislaus Street and the SR-99 off-ramp, SR-99 on-ramp and P Street/Abby Street/Divisadero Street, potentially including roundabouts at these locations to best provide for adequate level of service and avoidance of queuing issues.
 - Why does the consultant believe that split phasing would be appropriate as a mitigation measure for intersection 46 (Fresno and Divisadero)? The City's Traffic Engineers have evaluated this proposal and have concluded that it would create a long cycle length and poor and unacceptable LOS operations. Other options should be considered as in reality this would tend to worsen, rather than improve LOS at this location. The City requests further evaluation and revising of this mitigation measure to an option that does not involve split phasing of this intersection due to operational concerns.
 - Intersection #63 (H and Divisadero) is being proposed for extensive widening (i.e. triple rights, dual lefts, etc.) This mitigation measure may fit the CEQA definition of feasible, however does not consider potential significant impacts (dividing an existing community, or create inconsistency with the City's Bicycle, Pedestrian and Trail's Master Plan). An EIR is required to analyze the potential impacts from implementation of a mitigation measure, per CEQA Guidelines, section 15126.4(a). Therefore, The City recommends the Authority evaluate a roundabout at this location to provide adequate LOS without the significant amount of RW acquisition which would be necessary to implement the consultant's recommended "improvements".
 - The intersection of California Avenue and East Avenue should be analyzed in the Revised Draft. The City would anticipate that the at-grade railroad crossing closures at Van Ness and Florence Avenues, as proposed by the CHSRA project, will cause an increase in traffic at the intersection of California Avenue and East Avenue. Of particular concern would be an increase in truck traffic. The City is attaching an exhibit showing a potential improvement concept to address this intersection which is under capacity to handle the potential traffic increase being caused by the CHSRA project and associated railroad crossing closures.
 - It is recommended that the traffic analysis distinguish between project trips due to the station and the redistribution of traffic associated with the road closures and new grade separations. Additional work is also recommended to further model the anticipated turning movements at intersections in the vicinity of grade separations, in order that the final design and construction package may properly size these intersections and turn pocket lengths, so as to provide acceptable traffic operations in the Existing Plus Project Conditions.
 - Sidewalks must be designed of sufficient width to accommodate pedestrian activity and to promote a walkable downtown, as well as to prevent barriers being created between

Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 7

L002-5

different parts of the community. Attached is the Draft Fresno Design Guidelines, as prepared by ZGF Architects for the California High-Speed Train Project.

The City concurs with the CHSRA installing traffic signals, as part of the HSR construction contract, at the following locations in order to mitigate Existing Plus Project Conditions, as indicated in Table 3.2-44:

- Intersection 86 – H Street and Ventura Street
- Intersection 109 – Stanislaus Street and F Street
- Intersection 117 – Stanislaus Street and N Street
- Intersection 124 – West Olive Avenue and SR-99 Southbound Ramps
- Intersection 129 – West Belmont Avenue and SR-99 Southbound Ramps
- Intersection 130 – West Belmont Avenue and SR-99 Northbound Ramps

However, the City does not believe that the Revised Draft has adequately analyzed the significant indirect traffic impacts associated with the construction of the Church Avenue overpass. The Church Avenue overpass, as proposed in the Revised Draft, would eliminate the existing intersection of Church Avenue and East Avenue and shift the East Avenue connection to Church Avenue approximately 1,000 feet to the east. Trucks and vehicles would have to turn east to cross an at-grade railroad crossing on the Burlington Northern Santa Fe (BNSF) line, prior to being able to turn west on Church Avenue to go over the bridge spanning all three railroads (BNSF, Union Pacific, HSR). No alternative route would be available, due to the closure of Van Ness Avenue and Florence Avenue at the UPRR tracks. Based upon City staff observations of the freight rail operations and testimony from City residents that live and/or regularly travel in the vicinity of the BNSF tracks, made at public neighborhood meetings, it is apparent that the BNSF tracks at this location experience slower trains and more frequent blockages than the UPRR tracks. These delays and blockages will be exacerbated when a large portion of the trucks and vehicles using the existing Van Ness and Florence crossings will change their route to utilize the Church Avenue overpass.

In consideration of congestion, travel time, avoiding impacts to major businesses in the South Van Ness Industrial district and safety, the City is recommending an alternative design (Attachment "B") be incorporated by the CHSRA into the project, so as to avoid the significant impacts associated with the conceptual design shown in the Revised Draft. The recommended design will bring East Avenue up to an elevated, signalized intersection with Church Avenue on top of the bridge, allowing a much more straightforward connection that will no longer force vehicles across the BNSF at-grade railroad crossing. The modified design will also provide the necessary traffic capacity to serve the South Van Ness Industrial District, which will lose two significant access points (Van Ness, Florence) as a result of the CHSRA project. A layout is attached to these comments.

L002-6

SECTION 3.6: PUBLIC UTILITIES AND ENERGY

The City notes that Section 3.6 attempts to describe the potential impacts and mitigation measures for public utilities and energy. The City has several comments on the Revised Draft pertaining to the City sewer and water systems:

- The locations and sizes of major sewer lines that cross the study area should be identified. Areas of specific concern are at the Kern Street alignment, Church Avenue

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 8

L002-6

crossing, Jensen Avenue crossing, and North Avenue crossing, plus two private sewer mains at the Church Avenue crossing.

L002-7

- In order to avoid sanitary sewer overflows and protect public health, thereby seeking to mitigate potential impacts of the HST project, it is essential for the City to be able to adequately clean and maintain the sewer collection system. To facilitate those maintenance efforts there must be ready access to the system. As such, the City requests that the following mitigation measures be included in the EIR/EIS so as to address the potentially significant impacts to the City's sewer utilities and service system:
 - o Any change in direction of the sewer collection system must occur at a manhole to allow access to each reach for inspection and cleaning.
 - o Any new sewer collection system manhole or structure installed with the project must be placed at a location approved by the City to ensure ready access by City of Fresno Collection System Maintenance crews, equipment, and vehicles. Access must allow for the proper, safe, and efficient orientation of equipment and vehicles. This includes acquiring any necessary right-of-ways or easements.
 - o Plans for the construction of any new structures associated with the project shall be submitted to the City for its review and approval to ensure that the proposed construction does not impact ready access to existing sewer collection system manholes or other sewer collection system structures by City of Fresno Collection System Maintenance crews, equipment, and vehicles. Access must allow for the proper, safe, and efficient orientation of equipment and vehicles. This includes acquiring any necessary right-of-ways or easements. Any proposed bypass during construction of new mains would be subject to the requirements of the City of Fresno.

L002-8

- The HST project has the potential to both significantly impact the integrity of the existing mains and thus significantly impact public health and safety, as well as to restrict the City's future growth through construction of the HST corridor which could preclude the installation of new mains across the HST right-of-way. Therefore we request that the following mitigation measure be included in the EIR/EIS to address this concern:
 - o The Authority shall be required to install steel casings meeting City specifications and standards on all existing and Master Planned sewer, water, and recycled water facilities crossing the existing tracks and future HST tracks. Any relocation or abandonment of existing water and/or sewer lines shall be required to maintain service to all parcels. The Authority shall construct all replacement lines to City of Fresno Standards. In addition, the Authority shall relocate all existing valves, manholes, and any other above ground appurtenances outside of the proposed HSR ROW. The Authority shall also provide steel casings meeting City standards and specifications crossing the alignment of the HSR for future recycled water lines.

L002-9

SECTION 3.8: HYDROLOGY AND WATER RESOURCES

The City's Water Division has concluded that the proposed project has the potential to greatly impact the operation of the City's water system. However, with appropriate mitigation measures those impacts could be reduced to less than significant. The City's comments and recommendations are as follows:

Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 9

L002-9

1. The HST will cross or displace, through the relocation of roadways, numerous existing water mains. This has the potential to significantly impact the City's water utility and service system as these water mains are critical to the overall performance of the water system as they are generally near the UPRR and Freeway 99 alignments. Water main crossings of these existing alignments are currently limited and therefore need to be maintained to ensure adequate water system distribution east and west of these alignments. To address this potentially significant impact, the City requests that the following mitigation measures be added to the EIR/EIS:

a) The Authority shall maintain the existing water mains crossing the proposed HST alignment by reconstructing them in steel casings meeting City standards and specifications so as to allow the City of Fresno to maintain these facilities from outside the HST right-of-way.

b) That Authority shall relocate related water system appurtenances such as valves, blow-offs, air release assemblies, etc., outside the HST right-of-way to locations acceptable to the City's Water Division.

c) Where water main crossings will exist outside the public right-of-way, the Authority shall dedicate water main easements to the City to provide access for the ongoing operation, repair and maintenance of these facilities.

d) The Authority shall ensure that the City reserves its right to increase the size of existing crossings or to propose additional crossings as necessary to ensure that existing levels of water service are maintained.

e) The City previously provided the Authority a list of existing water mains that will be impacted by the proposed HST alignment. It should be noted that this list is based upon a cursory level review and that other water main crossings may be identified as the project progresses. As such, the Authority shall frequently consult with Water Division staff during project design and construction to ensure that all water mains are accounted for and protected during project construction.

L002-10

2. Due to ongoing planned water system capital improvement projects and anticipated future growth within the City of Fresno 2025 Fresno General Plan boundary, the Water Division will require the installation of steel casings to accommodate future water mains to be constructed after completion of the HST. As the project progresses, it is possible that additional locations may be identified and shall be included in the HST project.

L002-11

3. The Water Division currently operates Well Site No. 162 located at 2091 E. Muscat Ave. Based upon the proposed HST alignment, this well site will be displaced and will no longer be able to operate. This will result in a significant reduction in water to the system in the area, to supply existing residences and businesses, and to maintain adequate fire-fighting pressures. Current production data indicate that this well was constructed in March, 1995 and is capable of producing 1,500 GPM. To mitigate this potentially significant impact that City requests that the Authority include the following mitigation measure in the EIR/EIS: *that the Authority shall fully replace the well at Well Site No. 162 with a new well or wells capable of producing a minimum of 1,500 GPM. The well sites shall be of a size and at a location acceptable to the Director of Public Utilities or his designee. The HST Authority shall be responsible for all aspects of construction of the replacement well or wells, including, but not limited to, acquisition of replacement well site(s), construction of the well(s) (including test holes, monitoring wells,*

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 10

L002-11

wellhead treatment, site improvements, equipment structures, discharge plumbing, utilities and ancillary equipment) and payment of any costs and fees required for connection and restoration of lost water service. Installation of the replacement well site(s) as outlined should restore water services to existing levels and result fully mitigating this identified impact caused by HSR.

L002-12

4. The Water Division is presently designing a 24-inch water main that will originate in West Fresno at the intersection of N. Hughes Ave/W. Olive Ave and terminate in downtown Fresno at the Water Division's proposed 3MG Water Storage Facility located at 401 H St. The project design is currently at the 95% design stage. Existing design documents for the 24-inch water main show the main crossing the proposed HST alignment at Mono St between G St and H St. This crossing will require a minimum 36-inch steel casing within the proposed HST right-of-way. Additionally, the 24-inch main is currently proposed in the G St alignment paralleling the proposed Fresno Train Station alternative at G St/Tulare St. Due to the limited information provided regarding the Train Station footprint and potential impacts to the G St. right-of-way, further information is requested by the Water Division to ensure the least possible impacts to the design, construction, and operation of the proposed 24-inch water main. At this point in time, the Water Division estimates that construction of the 24-inch water main will precede construction of the HST.

L002-13

5. Due to the significant number of potential water system impacts related to the proposed HST project, the Water Division requests the opportunity to complete the design of water facility improvements by utility or reimbursement agreement. Should the design of water facility improvements be completed under the HST project, all design documents shall be subject to approval by the City of Fresno Director of Public Utilities or his designee.

L002-14

6. Water Usage Analysis for CHST Fresno to Bakersfield Section, at page 3.6-63 identifies an adjusted water usage factor for the HMF as 30 gallons per employee per day. This method of developing a water usage factor for the HMF seems inappropriate as the greatest consumption of water at that facility will be associated with the maintenance of the train cars. The City believes that to ensure its accuracy the water demand analysis must consist of factors based upon the industrial use of water rather than a per capita approach.

L002-15

7. The DEIR Section 3.8-10 states that the HMF site will connect to the municipal water supply where possible and practicable. If the HMF Fresno Works alternative is selected and will obtain water service from the City, the following provisions must be satisfied:

- The HST project shall submit an application to the Fresno County Local Agency Formation Commission seeking authorization to expand Fresno's water service boundaries to provide water service to the Fresno Works site.
- The HMF Fresno Works Alternative property is not fully located within the City of Fresno's 2025 General Plan sphere boundary and was not included in the 2008 Fresno Urban Water Management Plan. Therefore, no water allocation was identified for the site much less this proposed use. The Authority shall provide an annual water usage analysis acceptable to the Water Division and provide the City of Fresno with a supply of water equivalent to the anticipated demand.
- The HST project shall submit water system improvement plans showing the location of all main extensions and all irrigation, fire, and domestic water services to be provided by

Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 11

L002-15

the City of Fresno. Include on the plans the location of all reduced pressure backflow prevention devices for all services (see City Standards for acceptable locations). Any proposed City water mains shall be looped; dead end water mains will not be allowed.

- Payment of the standard impact and connection fees for the facility.
- Seal and abandon existing on-site well(s) in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.
- If the HMF Fresno Works alternative is selected and will obtain its water supply through the development of groundwater wells, the Authority will have to identify groundwater mitigation measures to offset its groundwater demand through the implementation of water recycling, reuse, and aquifer recharge. The mitigation needs to result in a net zero impact on groundwater resources.

L002-16

SECTION 3.11 SAFETY AND SECURITY

The City notes that in the Revised Draft the Authority has corrected Tables 3.11-3 and 3.11-5 by including the information the City provided in its original comment letter

Furthermore, Section 3.11.4 of the Revised Draft included all of the other additional language requested by the City in its original comment letter. The city thanks the Authority for making these changes.

L002-17

SECTION 3.12: SOCIOECONOMICS, COMMUNITIES AND ENVIRONMENTAL JUSTICE

In Section 3.12.4.1, Regional Population Characteristics, this section references the 2000 US Census and 2010 California Department of Finance ("CDOF") data. The 2010 US Census has been available and should be used to update this entire section. If this 2010 US Census data is incorporated in the CDOF data, this should be noted in the Revised Draft. Projected population growth may be lower than estimated, which would further substantiate project impacts.

L002-18

In Section 3.12.4, Figure 3.12-2 Minority Group Representation, this figure needs to be updated to include US Census 2010 data. Failure to use the proper data could result in a failure to identify a potentially significant impact.

L002-19

In the HST Study Area Housing Setting, City of Fresno, this discussion of housing characteristics in the Central, Edison and Roosevelt Districts should be revised to include US Census 2010 data, to the extent said data is different than the CDOF 2010 data. Failure to use the proper data could result in a failure to identify a potentially significant impact.

L002-20

Under Economic Setting and Environmental Justice, these sections should be revised to include 2010 unemployment data, and US Census 2010 data. Failure to use the proper data could result in a failure to identify a potentially significant impact.

L002-21

Concerning Poverello House as a women's shelter, the City wishes to note that Poverello House serves three meals a day, 365 days a year, to anyone in need; offers

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 12

L002-21

free medical and dental care through the Holy Cross Clinic; provides showers and laundry services to the homeless; serves as a day shelter and safe haven for people on the streets, houses a 28-bed residential alcohol and drug rehabilitation program, and a five-bed transitional home; distributes free clothing; provides recreation, mail service, transportation, and, in 2004, opened the Village of Hope, a temporary overnight shelter for homeless people who want an alternative to the streets.

L002-22

The City continues to have concerns regarding the sufficiency of analysis associated with the significant impact of the project on the human and physical environment, including the need for a comprehensive economic analysis of the project's impacts as well as the significant impacts on displaced, relocated or closed businesses. The City is also concerned about equitable access to employment for local residents and would encourage the Authority to implement available measures to maximize local employment opportunities with the CHSRA project.

L002-23

As a preliminary matter, the Revised Draft notes the "economic and social changes resulting from a project shall not be treated as significant effects on the environment." However, an EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis must be on the physical changes, and there must be substantial evidence of those physical changes. In this regard, economic or social effects of a project may be used to determine the significance of physical changes caused by the project.

Here, the construction of HSR divides the existing City community, creating a physical change, but the social and economic effect on the community would be a basis for determining that the effect would be significant. Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR is required to explain the reason for determining that the effect is significant. Further, economic, social, and particularly housing factors shall be considered together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. The EIR should contain information on these factors, and should be supported by substantial evidence to support the analysis. (See CEQA Guidelines §15131.)

L002-24

While CEQA does not require technical perfection in an EIR, it does require adequacy, completeness, **and a good-faith effort at full disclosure**. (CEQA Guidelines §15039(i).) Here, the City has concerns regarding the sufficiency of analysis and the adequacy of mitigation measures including the following issues:

1. **Complete "Corridor" Analysis For the City of Fresno:** The City of Fresno serves as a juncture for the Fresno to Bakersfield HST Section and the Merced to Fresno HST Section. A draft EIS/EIR has been prepared for each of the Sections, both of which analyze slightly overlapping portions of the HST corridor through the City, but not all of it. However, the City is not physically divided into two sections, nor is the commercial and industrial business community along the HST corridor, and the City is a single jurisdiction wherein property and sales taxes are applied throughout the community. As a practical matter, the split analysis used by the draft EIS/EIRs has the effect of assessing only a divided portion of the community,

Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 13

L002-24

including the significant number commercial and industrial business community located along the HST corridor, which artificially reduces the significance of impacts and results in less-effective mitigation measures. For example, the total number of displaced commercial and industrial businesses within the City is not assessed by either EIS/EIR. Further, it is difficult to determine the combined total impact as the EIS/EIRS for Merced to Fresno HST Section breaks down the number of displaced/relocated businesses for other jurisdictions – but does not appear to provide the same information for the City of Fresno. This information might be capable of being derived by reviewing the details of supporting technical studies, but is not readily available. To ensure the EIS/EIRs adequately assess the full impacts of the project, the City recommends Section 3.12 of the EIS/EIR be updated to include a unified and complete analysis of the entire portion of the HST corridor within the jurisdiction and sphere of influence of the City of Fresno, and to present the summary of those findings and analysis in a clear and readily assessable manner.

L002-25

2. Economic Analysis: The economic analysis, including property and sales tax, is not comprehensive and appears incomplete. This seems to be a systemic issue with Section 3.12. For example, the Revised Draft does not appear to quantify loss of value of property adjacent to the project. Even without this data the Revised Draft still purports to estimate a total loss of tax revenue – based on 2009 tax data averaged across multiple counties - which offsets the loss of higher value property with lower value property in other regions. In addition, HSR properties would also be permanently removed from the tax rolls. However, the draft EIS/EIR does not appear to state the amount of impact, but does assert the impacts would eventually be offset by a multi-county average 3% increase in population almost a quarter century from now. No mitigation is provided for the intervening period, nor are the funds adjusted to reflect the time-value of money. An increase in property values may be associated in the area around the station, but both EIS/EIRs appear to use this to offset loss of property values for their section, effectively counting the increase in value twice. This would be resolved by a single analysis for the entire HST corridor in the City. The Revised Draft also acknowledges that some businesses will close as a result of the project and/or contemplates relocation of projects out of the City's jurisdiction by up to 50 miles, but neither calculations as to the number of these businesses closures are provided (including the effect of requiring a relocated business or home-owner to immediately pay off a security interest or mortgage on a property that is "upside down" resulting in a number of operations being driven out of business or being able to obtain credit to secure equivalent commercial space or housing), nor are estimates as to the impact it would have on the City's property and sales tax revenue. Lost wages and revenues due to closure, displacement or relocation, including impacts on the environment, should also be assessed.

These sorts of general estimates do not adequately assess project-level impacts, and as a result, the City is unable to determine whether there will be funding available for public facilities, infrastructure, services and other needs to address the impacts caused by the project or if the Revised Draft analysis is adequately addresses these issues. The City recommends a comprehensive, project-level, economic analysis that assesses all the economic impacts from the project within the jurisdiction of the City and its sphere of influence, including both immediate, intermediate and long term impacts, including impacts on sales tax and property tax revenues to the City, and that uses the most current and updated data available. Mitigation measures to reduce these impacts to less than significant, and ensure the City remains whole to provide adequate funding for operation and maintenance of public facilities and services, must also be included.

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 14

L002-26

3. Urban Decay Analysis: In conjunction with the economic analysis issues, the Revised Draft does not appear to assess the physical deterioration impacts caused by displacement, relocation or closure of businesses. Likewise, the analysis also does not assess the impact of the project along the entire HST corridor within the City of Fresno, thereby reducing the significance of impacts. To ensure sufficiency of the Revised Draft, the City recommends analysis to include physical changes to the environment caused by the closure, displacement or relocation of businesses for the entire HST corridor within the jurisdiction and sphere of influence of the City of Fresno.

L002-27

4. Methodology for Estimating Impacts: The number of displaced businesses and employees appear to be based on estimates derived from aerial photographs, conceptual engineering plans, profiles and right-of-way data showing potential parcel alternatives. If this is the extent of the information, and the analysis is based on such estimates, then the Revised Draft does not adequately assess current baseline conditions and project impacts required for a project-level analysis. Actual, specific and reasonably available data is the superior alternative as compared to estimates derived from photographs and planned uses. To ensure sufficiency of this project-level EIS/EIR, the City recommends either field visits or direct communication with all businesses anticipated to be displaced or relocated by the project to determine specific data including i) the actual type of business being operated; ii) the number of employees actually employed; iii) the nature and type of entitlement (conditional use permit, etc.), if any, allowing for operation of the business in the zoned district; and iv) any attributes of the business which may limit or restrict its options with regard to relocation (e.g., a need for direct access to a freight rail spur, special equipment requiring a building of unusual height or length, materials requiring special infrastructure or treatment, silos or specialized storage facilities, larger yards to accommodate heavy equipment parking and maneuvering, etc.).

L002-28

5. Infrastructure Analysis: In assessing relocation, the Revised Draft reviewed the availability of commercial, retail and office space buildings, as well as commercial and industrial businesses. These numbers appear to be based on vacancy rates in the same zip code with the NAICS codes of the businesses being relocated shortened to only two digits and then grouped into similar functional requirements. However, the NAICS numbering system employs six-digit codes at the most detailed industry level, with the first two digits designating the largest business sector, the third digit designating the subsector, the fourth digit designating the industry group, and the fifth digit designating particular industries. By reducing the NAICS codes to only two digits, only very general categories of businesses are analyzed, such as "retail trade", rather than the full five digit designation within the retail trade category which contains a wide variety of uses from a supermarket (445110), computer store (443120) and automotive parts (441310). As a result, reducing the NAICS codes to only two digits to analyze vacancy rate availability does not address whether there are actually vacancies for the particular type of business use being displaced.

The City recommends additional analysis – using the complete six-digit NAICS number code - to determine if relocation is actually feasible including i) whether the relocation buildings have compatible infrastructure to allow for the relocated business to physically continue to operate (see examples discussed in the item above); ii) whether the relocation buildings allow for the same land use consistent with the City's zoning ordinance, 2025 General Plan, and applicable community and specific plans; iii) the economic viability of operating in the relocation area; and iv) whether the number of relocation buildings comply with current safety and

Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 15

L002-28 | entitlement requirements necessary to commence relocation in that structure (i.e., sidewalks, fire sprinklers per current requirements, special water supply or sewer requirements for certain uses, etc.).

L002-29 | 6. Economic Setting/Employment Data: Employment data for the City of Fresno references 2000 and 2002 data. The draft EIR/EIS also notes a change in economic conditions since that time resulting in the current economic downturn. Updated data, if available, should be used to ensure an accurate baseline for analysis of project impacts.

The Proposed Mitigation is Inadequate

L002-30 | In addition the City's concerns regarding the adequacy of the economic analysis contained in the Revised Draft associated with the displacement of businesses and economic impacts, the City has concerns that the measures proposed to mitigate these impacts are inadequate. In addition to stating that the Lead Agency will fully comply with the requirements set forth in the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. Chapter 61) ("URARPAA") and the California Relocation Assistance Act (Government Code, section 7260 et seq.) ("CRAA") see MFEIR, pp. 3.12-59-3.12-60, the Revised Draft includes as a "project design feature," the preparation of a relocation mitigation plan that provides more detail as to its components than what was included in the previous mitigation measure SO-MM#2. (Revised Draft, p. 3.12-116). :

However, the description of the relocation mitigation plan fails to meet the minimum requirements for such mitigation and constitutes deferral of mitigation. This mitigation measure defers to the future the development of a program to provide information and advice to individuals and businesses that will be displaced by the HSR. Furthermore, this mitigation measures does not contain any specific performance measures. As such, it is inadequate.

L002-31 | Compliance with the "URARPAA" and "CRAA" will also not serve to fully mitigate the impacts to individuals, businesses and communities in which those individuals and businesses are located. This is for the following reasons:

1. The URARPAA and CRAA place unrealistic caps on the amount of money the Authority will pay to compensate displaced businesses that relocate. One example of an unrealistic cap is the cap of \$10,000.00 that the URARPAA and CRAA will compensate displaced businesses for "actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site." (See URARPAA, section 4622(a)(4), CRAA, section 7262(a)(4), Appendix 3.12-A to EIR/EIS, section entitled "Reestablishment Expenses"). \$10,000.00 is unrealistically low because of the possibility that businesses and/or non-profit organizations may need to obtain special permits or other development entitlements from the City of Fresno (e.g. conditional use permit, site plan, variance, rezone, plan amendment) in order to lawfully operate on another parcel within the City of Fresno. The costs associated with obtaining these special permits or other entitlements can easily far exceed the \$10,000.00 cap, especially if significant environmental review pursuant to CEQA is required. As such, the nature and extent of the compensation available to displaced individuals, businesses and non-profits needs to be reevaluated and increased as necessary to amounts that will fully compensate for all actual costs associated with the displacement or relocation.

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 16

L002-32 |

2. Neither the URARPAA, CRAA or the relocation mitigation plan, as described, address the potential adverse impacts on the communities in which businesses and non-profits to be displaced operate if the business or non-profit chooses either to shut-down permanently or relocate to a location outside the jurisdiction where the business or non-profit was originally located once the Authority takes the property on which they operate. According to the Relocation Assistance Program Brochures, Appendix 3.12-A, the Authority could actually facilitate businesses relocating away from the City of Fresno as it will compensate a displaced business or non-profits for the costs of moving within 50 miles of the business or non-profit's current location. The potential for lost sales tax and property tax revenues to the City of Fresno, as well as the corresponding job losses, resulting from businesses that shut-down completely or choose to relocate outside of the City of Fresno constitutes a potential adverse economic impact. Specifically, it could result adverse economic and physical impacts in the form of urban decay, as not only will the City be dealing with trying to maintain the areas outside the HSR right-of-way that now lay vacant because of the dislocated businesses and non-profits, but it also faces a significant reduction in tax revenue that would otherwise be available in its general fund to pay for the cost of maintaining these areas so as to avoid the incidences of urban decay, including graffiti, vandalism and illegal dumping. Finally, the introduction of HSR adjacent to these vacant parcels may make the property significantly less marketable resulting in long-term vacancies which have proven to lead to urban decay.

Both the URARPAA and CRAA state that the intent of these Acts is to minimize the adverse impact of displacement which is essential to maintaining the economic and social well-being of communities. (See, URARPAA, section 4621(a)(4) and CRAA, section 7260.5(a)(4).) However, as discussed above, in the context of this project strict adherence to the minimum criteria established by URARPAA and CRAA will not adequately minimize the adverse impacts to the City of Fresno due to displacement.

To provide further assurances that the City of Fresno, as a community, will be held harmless by the dislocations resulting from this project, Mitigation Measure SO-MM#2 must be significantly modified to include as a performance measure, the establishment as a primary goal of the relocation program to minimize as much as conceivably possible the actual shutting down of businesses and/or non-profits, and ensuring that as close to 100% of the displaced businesses and non-profits in the City of Fresno that are displaced are relocated to suitable and economically viable locations within the City of Fresno. To ensure the success of this goal, the Authority should strongly encourage the State Legislature to adopt various financial incentives for dislocated businesses to relocate within the same jurisdiction their businesses were originally located.

L002-33 |

3. The relocation planning, assistance coordination, and advisory services required by the URARPAA and CRAA do not constitute adequate mitigation as these Acts merely state that the Displacing Agency, in this case the Authority, must develop a program in the future that ensures that certain information and services are provided to individuals, businesses and non-profits to be displaced. (See URARPAA, section 4625(c) and CRAA, section 7261(c).) However, the measure defers the establishment of this program to some unknown time in the future, fails to set forth any specific performance measures, and fails to mandate the necessary funding and dedicated personnel for this relocation assistance program.

L002-34 |

4. Nothing in the mitigation proposed addresses the potential for individuals and businesses experiencing a significant increase in the property tax basis as a result of having to

Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 17

L002-34

acquire new property at a higher price for purposes of relocating or having to construct new buildings to replace buildings acquired by the CHSRA. This could potentially result in significant increases in the property tax liability of individuals and businesses that relocate.

In summary, the Authority's reliance upon its compliance with the URARPA, the CRAA and proposed relocation mitigation plan are insufficient to adequately mitigate the significant adverse impacts associated with the project and displacement of individuals and businesses. The City included the following additional mitigation measures in its original comment letter and notes that the Revised Draft does not appear to include any of them. Accordingly, the City of Fresno respectfully requests, again, that mitigation measures substantially in the form set forth below be added to the Revised Draft:

Proposed Additional Mitigation Measures:

L002-35

Mitigation Measure No. 1: Prior to the Authority's certification of the EIR/EIS for the Bakersfield to Fresno Section and the Merced to Fresno Section, the Authority shall enter into an agreement with the City of Fresno and other relevant organizations, as authorized by URARPA Section 4632 and CRAA Section 7261.5, including the Economic Development Corporation serving the County of Fresno, in which the Authority will agree to the following:

1. The CHSRA will use its best efforts and draft its policies related to relocation assistance to minimize as much as feasibly possible the actual closure of displaced businesses and non-profits within the City of Fresno and to maximize the number of displaced businesses and non-profits that relocate to locations within the City of Fresno.

2. The CHSRA will raise the reimbursement caps set forth in the URARPA and CRAA related to compensating displaced businesses and non-profits to amounts that will realistically compensate the business or non-profit for the actual costs of relocation, including those costs associated with obtaining the necessary special permits, entitlements and building permits to legally operate at a new location within the City of Fresno or construct new buildings on the original site to replace buildings that were acquired by the CHSRA. The special permit, entitlement and building permit costs would include any costs to construct or install additional improvements, such as curbs, gutters, sidewalks, required as a condition of approval of the special permit, entitlement or building permit.

3. The CHSRA shall establish a local relocation advisory assistance office(s) within the City of Fresno to assist with displacement issues and in obtaining replacement facilities for persons, businesses and non-profits which find that it is necessary to relocate because of the CHSRA's acquisition of real property.

4. During the period when any property is being acquired for the project, and not less than a period of 5 years from the date of certification of the EIR/EIS's, the Authority will provide all funding for the City of Fresno to hire qualified personnel, as reasonably determined by the City to be necessary, to expedite the processing and approval of any special permit or other entitlements necessary for a displaced or relocated business or non-profit to operate within the City of Fresno.

5. During the period when any property is being acquired for the project, and not less than a period of 5 years from the date of certification of the EIR/EIS's, the Authority will

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 18

L002-35

provide all funding for the City of Fresno to hire qualified personnel, as reasonably determined necessary by the City, to expedite the processing of any necessary building permits (including all necessary building inspections) for construction of new structures or the modification or expansion of existing structures on property for a displaced or relocated persons, businesses or non-profits to allow continued operation and occupancy prior to the displacement or relocation.

6. The CHSRA will fund City personnel, as reasonably determined to be necessary by the City, to be part of the staff implementing the Relocation Assistance Program for the purpose of explaining to displaced businesses the steps necessary for the businesses or non-profit to relocate within the City of Fresno and the City resources available to assist and expedite the relocation process.

7. The CHSRA shall closely collaborate with the City in preparing a detailed Relocation Assistance Program that includes time frames for implementation and specific performance measures (e.g. business retention within the boundaries of the City of Fresno) that will be included in the Memorandum of Understanding approved by the Authority prior certification of the EIR/EISs. This detailed program shall include funding and resources for the gathering of data for each displaced, relocated or impacted business or non-profits so the City can determine the special permits and entitlements required for the new location as well as a mechanism for establishing which businesses or non-profits should receive priority in processing of entitlement and/or special permit applications. This program shall also specify the number and specialty of each member of the coordinated Authority, City, EDC team necessary to counsel displaced businesses and non-profits, and facilitate and process any applications for financing, special permits, entitlements, etc., for displaced or relocated businesses or non-profits within the City of Fresno.

8. The CHSRA shall use its best efforts to encourage the California State Legislature and Governor to adopt economic and financial incentives for a displaced business to relocate within the jurisdiction the business was in prior to displacement.

9. The CHSRA shall acquire and pre-entitle commercial and industrial property within the City of Fresno and make this property available to those businesses and non-profits within the City of Fresno that are required to relocate because the CHSRA has acquired their property requiring relocation of the business or non-profit.

10. The CHSRA shall establish and fund an ombudsman, and supporting staff and facilities as may be reasonably necessary, with an office located within the City of Fresno and open to the public during expanded business hours and for a period commencing upon approval of the project until six months after rail service on the HST becomes publically available. The role of ombudsman shall be to answer questions, address citizen concerns and interests, and inform the public regarding specific details associated with all phases of the project, including implementation, construction details (closures, detours, traffic impacts, etc.) and operational aspects of the HST project. The ombudsman shall act as an intermediary or liaison between the CHSRA and the citizens and businesses of the City of Fresno. The ombudsman shall also be able to investigate complaints from the public relating to the HST construction process and attempt to resolve them, including providing recommendations to the Authority, and be able to identify organizational roadblocks running counter to the interests of the impacted community. The ombudsman shall also report directly to the project manager responsible for the construction of all aspects of the HSR sections that are located within the City of Fresno or its

Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 19

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 20

L002-35

sphere of influence. The CHSRA will provide reasonable notice to the public within the City of Fresno, through a local newspaper of general circulation, radio/television announcements, billboards or displays, of the existence and general role of the ombudsman and methods of contacting the ombudsman.

Mitigation Measure No. 2: The CHSRA shall ensure that property owners, businesses, non-profits and residents are fully compensated for any increase in tax basis, arising from displacement or relocation and resulting in increased property tax liability, because they either have to relocate to new property that has a higher tax basis or because they have to construct new buildings or facilities on the original sites to replace buildings or facilities that were acquired by the CHSRA.

Mitigation Measure No. 3: The CHSRA shall ensure that owners of property that the CHSRA intend to acquire in whole or in part that are encumbered with mortgages secured by deeds of trusts, notes or other instruments with remaining balances in excess of the fair market value of the property are not financially impacted by having to immediately pay off the remaining mortgage balance in excess of the property's fair market value. CHSRA will either agree to pay the remaining instrument balance, negotiate with the holder of the instrument to reduce the balance to the property's fair market value, or work with the holder of the instrument to transfer the encumbrance to relocation property of equivalent value, such that the displacement or relocation will not result in an additional financial impact.

Railroad Avenue Corridor Concerns: The City is also concerned about impacts to the Railroad Avenue corridor south of Jensen Avenue. A large administration office for a manufacturing company may be potentially impacted by the proposed alignment and cross-section of the HSR corridor. This may result in the remaining site being less than viable for the business. Furthermore this area is subject to current environmental remediation through the State Department of Toxic Substances Control (DTSC), with the CHSRA alignment encroaching into the area subject to DTSC oversight. The City recommends that the CHSRA evaluate a narrower cross-section in this area, utilizing a vertical retaining wall for the HSR cut section and possibly intrusion barriers between HSR and UPRR to avoid excessive impacts to the business.

L002-36

SECTION 3.16 – VISUAL AND AESTHETIC

In Section 3.16.5.3 of the Revised Draft, the document states that "Characteristics of typical HST components as well as the potential to affect the aesthetic environment are listed in Table 3.16-2. (Street Modifications, Retaining Walls)". The Revised Draft fails to adequately address the visual impacts upon existing neighborhoods and business districts in close proximity to the proposed overpasses/grade separations. As the Revised Draft appears to acknowledge at p. 3.16-81, the Tulare Street option which places Tulare over the HST corridor is an unacceptable option to the City in that it places Tulare Street more than twenty (20) feet in the air at the H Street intersection, directly in front of Chukchansi Stadium. This option also brings an overpass structure touching down near the historic buildings fronting the Fulton Mall. Furthermore this option proposes to block off F Street in the heart of the Chinatown district. For these reasons, an underpass with Tulare going under HSR is clearly environmentally superior and the only acceptable treatment for the project, which would reduce a potentially significant impact to less than significant. As such, the City strongly disagrees with the Revised Draft's determination of page 3.16-81 and 82 that the aesthetic impacts from the Tulare overcrossing options are less than significant for purposes of CEQA.

L002-37

An underpass should also be constructed at the Ventura Street/UPRR/HST crossing. The overpass is problematic in terms of local street connectivity, circulation, ADA compliance, aesthetics and socioeconomic/environmental justice issues of a significant barrier being placed between communities to the east and west of this crossing.

SECTION 3.17 – CULTURAL RESOURCES

The City has a number of comments on this section of the DEIR/EIS as follows:

L002-38

The City notes that the Revised Draft states that the Tulare Street Overcrossing would cause a direct adverse effect to the Southern Pacific Railroad Depot and to the Bank of Italy (Fulton Mall). In addition, the proposed overcrossing would cause indirect impacts to CEQA only historical resources. The City wishes to add that a Tulare Street undercrossing is required in order to avoid impacts, direct and indirect, to historic properties.

L002-39

In regards to the Downtown Fresno Station alternatives, the City wishes to comment that the Mariposa Street Station is the most prudent and feasible alternative for avoiding or reducing impacts to the environment. The Kern Station alternative would demolish a designated historic building, the Hobbs Parsons Produce Company Building (1903, HP#169) which is not only one of the oldest extant commercial buildings in Fresno but was also recently restored for adaptive use by the City's Fire Department.

L002-40

In regards to the proposed mitigations for Archaeology and Historic Architectural Resources, the City's analysis suggests that the mitigation measures as proposed are legally inadequate as they are loosely described and do not provide specificity to minimize significant adverse impacts, measurable, feasible, nor describe the responsible party for implementing the measure.

L002-41

The Historic Preservation Commission at a special meeting on September 19, 2011, attended by representatives of the Authority, took public testimony and made the additional comments and recommendations with regard to the original Draft EIR/EIS. These same comments would apply to this Revised Draft. These Comments are as follows:

L002-42

1) The City has concerns about potentially significant impacts to a historic resource at the Van Ness Gateway, which is not only on the City of Fresno, Local Register of Historic Resources but was also found eligible to the National Register of Historic Places by the consultants. Although the historic Gateway to Fresno is not currently within the direct line for construction, it is anticipated that Railroad Avenue will become a cul-de-sac and the context for the Gateway will be impacted; other than perhaps from the train(s) itself it will be difficult or impossible to view the resource.

L002-43

2) The City requests that its Historic Preservation Commission be treated as a consulting party for the Memorandum of Agreement (MOA), or other similar type of instrument that will develop the treatment plan for significant impacts to historic resources.

3) The City expressed concern about the combined impacts from noise and vibrations to historic resources from two rail systems, side-by-side, the HST and freight trains.

Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 21

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 22

L002-44 | 4) Public and commissioners asked staff to consider the U.S. Steel Building for its potential designation to the Local Register.

L002-45 | **SECTION 3.18 – REGIONAL GROWTH**

Section 3.18.5.3 includes construction-related employment effects. It is not clear how the \$156,000 annual wage for construction workers was derived. It seems high to the City of Fresno.

L002-46 | **VOLUME III: ALIGNMENTS**

The conceptual 15% plans shown in Volume III call for the existing overpasses at Tuolumne and Stanislaus Street in downtown Fresno to be reconstructed to span both UPRR and the HST alignment. The reconstruction includes approximately 8% grades on the approaches and calls for a separate pedestrian overcrossing somewhere between Tuolumne and Stanislaus. Underpasses should also be constructed at the Stanislaus/UPRR/HST and Tuolumne/UPRR/HST crossings. The proposed overpass creates potentially significant environmental impacts in terms of lack of local street connectivity, circulation, ADA compliance, aesthetics and socioeconomic/environmental justice issues of a significant barrier being placed between communities to the east and west of this crossing. The City has analyzed the vertical curves for these streets as underpasses and has determined that the underpass will be shorter, extending only from F to H Streets (similar to the Fresno Street underpass), thus providing for greatly reduced structure costs and superior circulation. It will also be possible with the street going under UPRR/HST to provide ADA-compliant sidewalks, thus eliminating the need for a separate pedestrian bridge and the problem of two ADA non-compliant bridges. As such, this is a feasible alternative to the proposed overpass.

L002-47 | The grade separation plans show local streets being terminated at the vertical retaining walls for the City's major streets that would be reconstructed as overpasses extending over UPRR and HST (and in one case BNSF). The plans shown in the technical appendices fail to address public safety and impacts to neighborhoods associated with the proposed concepts of local street terminations. The City is concerned that the Revised Draft does not appear to have analyzed the potential for these dead-end streets to physically divide established communities. It is not permissible or appropriate to dead-end a local street without a cul-de-sac for turnaround purposes or alternatively with a local frontage road paralleling the realigned or elevated/depressed major street. In order to properly and adequately connect local streets that serve residential, commercial and industrial areas, the project will need to acquire additional right-of-way to either cul-de-sac local street, or to reconnect them to each other via local frontage roads.

L002-48 | On a more general note, the conceptual 15% plans depict numerous partial and full acquisitions. The Draft EIR/EIS fails to address the economic impact of the creation of numerous parcels which may no longer have any development potential, or a greatly reduced potential. The environmental document does not speak to what will occur with this remnants and unusable slivers. The City is greatly concerned over the loss of land for economic development, loss of property tax revenues and sales tax revenues, as well as the potential for blight and urban decay created by the HST project. The EIR/EIS needs to quantify these

L002-48 | impacts and to provide appropriate mitigation to the community for these impacts. As an example, some of these odd lots may potentially be uneconomic remnants that cannot be developed for other uses, remaining vacant in the future and serving as places for illegal dumping and illegal activities. This would in turn result in urban delay, ground contamination through dumping of hazardous materials and a domino effect of impacts upon the surrounding community.

L002-49 | Regarding the Fresno Station Area, the diagram shows the block bounded by Broadway, Fresno, H, and Merced Sts. in its present configuration. The site should be shown as reconfigured back to a traditional street grid, and developed over time with ground floor retail.

1. The frontage on the south side of Fresno St. and both sides of Mariposa St. between Broadway and H Sts. should also be shown as lined with ground-floor retail uses. Mariposa in particular is a key pedestrian passage from the station to the commercial core of the downtown, and surface parking lots and blank building walls would act as a pedestrian deterrent.

L002-50 | 2. In the two blocks bounded by H St., Mono St., the UPRR, and Kern St., there should not be a parking structure placed farther from the station than a surface lot, as shown. If demand requires the construction of a parking garage, the garage should be placed on the site of the surface parking and its size should incorporate the spaces provided by the lot.

L002-51 | 3. In the block bounded by H St., Mono St., the UPRR, and Inyo St., the existing row warehouse along H St. should be shown as retained, particularly in light of comment (3).

L002-52 | 4. A taxi & shuttle pickup area is shown near the station's west entrance. This facility should be placed near the station's east entrance instead, perhaps as part of the future intermodal transit center shown at the corner of Mariposa St. and H St., or incorporated into the eastern bus stop and kiss & ride areas. An eastern location would allow this transit service to serve the downtown area in addition to the station itself.

L002-53 | 5. In the programming of the station itself, the western entrance should be conceived as secondary in function to the eastern entrance.

L002-54 | 6. The proposed right-of-way acquisition between G Street and the Union Pacific Railroad has the potential to leave the remaining strip of excess land too narrow for redevelopment of the properties. The parcels between G Street and UPRR today are developed and many of the parcels contained active and thriving businesses, such as OK Produce. In the Existing Plus Project Condition, the narrow remainder may be essentially unusable, again creating the potential for urban delay and blight in an area of the community where the CHSRA is proposing vibrant redevelopment and transit-oriented development in the vicinity of the station. The Revised Draft should evaluate this impact and consider potential mitigation measures, such as a potential reduction in the width of G Street as a two-lane street, wherein the excess right-of-way on the east side of G Street could be vacated to allow sufficient parcel sizes between the CHSRA right-of-way and a reconfigured G Street.

Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

City of Fresno Revised Draft EIR/EIS Comments
HST Fresno to Bakersfield
Page 23

L002-55

The City continues to support a Mariposa alignment for an east-facing station over the previously proposed west-facing station on a Kern St. alignment. Presently several thousand parking spaces exist in publicly and privately owned off-street facilities within walking distance of the station. The proposed new parking facilities depicted in the diagrams should only be developed when the parking demand in the area exceeds the available supply. New parking facilities should not be developed on a speculative basis. The land where potential future parking facilities are depicted should remain available for other types of appropriate downtown development and use, unless and until the parking facilities are developed.

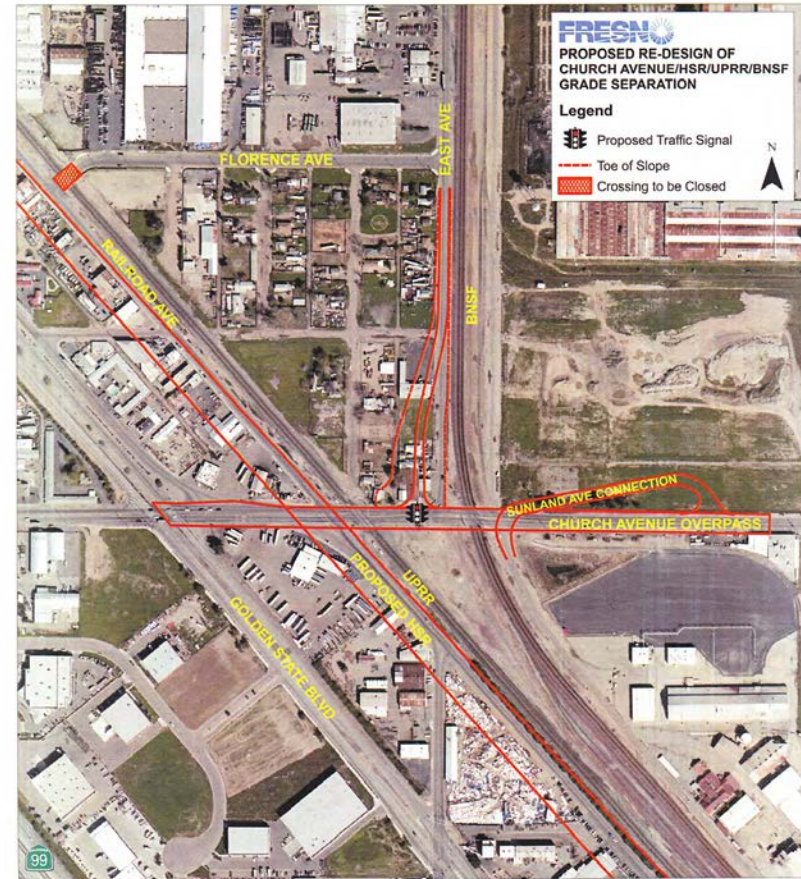
Should you have any questions regarding the City's comments on the draft EIR/EIS, please contact our Assistant City Manager Bruce Rudd at (559) 621-7770 or our City Engineer Scott Mozier at (559) 621-8650.

Sincerely,



Mark Scott
City Manager

Attachment: Church Avenue Overpass – City of Fresno Concept
California Avenue and East Avenue
Draft Fresno Design Guidelines for the California High-Speed Train Project



Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued



Response to Submission L002 (Mark Scott, City of Fresno, October 22, 2012)

L002-1

Refer to Standard Response FB-Response-CUL-01, FB-Response-GENERAL-08, FB-Response-GENERAL-18, FB-Response-HMW-01, FB-Response-PU&E-03, FB-Response-SO-03, FB-Response-SO-04.

The Authority and FRA appreciate your review of the Revised DEIR/Supplemental DEIS. Comments submitted on the Draft EIR/EIS have been responded to in Volume IV of this Final EIR/EIS. Comments submitted on the Revised DEIR/Supplemental DEIS have been responded to in Volume V of this Final EIR/EIS.

Regarding the need for underpasses versus overpasses and the Church Avenue grade separation, coordination with local agencies will continue to be conducted through the design and procurement process; the specific design elements referenced in the comment have been revised in the EIR/EIS, in coordination with the City.

Regarding construction traffic impacts and mitigation measures, the design-build contractor will prepare a detailed Construction Transportation Plan (CTP) for the purpose of minimizing the impact of construction and construction traffic on adjoining and nearby roadways, and to maintain emergency responder access. This plan will address, in detail, the activities to be carried out in each construction phase, with the requirement of maintaining traffic flow during peak travel periods. Such activities include, but are not limited to, the routing and scheduling of materials deliveries, materials staging and storage areas, construction employee arrival and departure schedules, employee parking locations, and temporary road closures, if any. Because of both the timing of the project and because the selected proposal for design-build will likely influence the outcome, the CTP will not be prepared prior to the award of a design-build contract. The CTP will be prepared by the design-build contractor to match their proposed work program. The local jurisdiction (city or county) where the work will occur will provide its requirements and criteria to be included as the design-build contractor prepares the CTP. The design-build contractor's CTP will be developed in close cooperation with the local jurisdictions. The Authority will further consult with the City of Fresno during the preparation of construction management plans, including emergency responders and public safety officials.

The economic analysis presented in Section 3.12 of the EIR/EIS and the Community

L002-1

Impact Assessment (CIA) Technical Report (Authority and FRA 2012h) addresses economic impacts to businesses, sales tax, and property tax. Section 5.4.4.2 of the CIA examines the reduction in property tax revenues that would result from acquisition of land for project construction. The economic impact to the City of Fresno from the reduction in property tax revenues is insignificant and would not be perceptible to community residents, and no mitigation is required.

The EIR/EIS acknowledges the potential exists that some displaced businesses will choose not to reopen. Decisions to close or relocate outside of the City of Fresno will be made by individual property owners, and as such any estimate would be speculation. Businesses that would be relocated by the project would be entitled to relocation assistance and counseling similar to that provided to residents in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, to ensure adequate relocation of businesses. Compensation is provided for moving and relocation expenses. As such, businesses and property owners would not have increased difficulties obtaining a new loan or securing commercial space or a home because of the HST.

The short-term reductions in sales tax revenues are discussed in Section 3.12 Impact SO #12, because the need to acquire land will necessitate the relocation of businesses along the project alignment. With the relocation assistance discussed above, including assistance in finding replacement properties, moving expenses, and obtaining permits, temporary reductions in sales tax revenue from business displacement would be minimal. A detailed discussion of potential sales tax revenue losses is presented in Section 5.4.4.4 of the CIA. Losses for the City of Fresno would be an insignificant amount of the annual revenue from sales tax collected by the city. Therefore, the economic impact is measurable, but would not be perceptible to community residents, and no mitigation is required.

Additionally, the expected annual gain in sales tax revenue from project spending is greater than the expected loss from business relocation. Construction- and operation-related sales tax gains are examined in Section 5.4.6 of the CIA. The City of Fresno will have considerable additional revenues attributed to the construction and operation of the HST.

Response to Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

L002-1

The Authority has approved a Community Benefits Policy that helps to remove potential barriers to small businesses, disadvantaged business enterprises, disabled veteran business enterprises, women-owned businesses, and microbusinesses that want to participate in building the High-Speed Train System. Under the Authority's Community Benefits Policy, design-build construction contracts will be required to adhere to the National Targeted Hiring Initiative, which states that a minimum of 30% of all project work hours shall be performed by National Targeted Workers and a minimum of 10% of National Targeted Workers hours shall be performed by disadvantaged workers.

Regarding protection of existing sewer and water pipelines and provision for future crossings, during final engineering design, the design-build contractor will work with all public works departments, private utility providers, and landowners to identify utilities and design appropriate relocation plans for those utilities. The relocation and/or protection of sanitary sewer lines will be performed per the established requirements of the entity having jurisdiction over the sanitary sewer and the Authority's requirements for when utilities cross the HST right-of-way. Per contract requirements, the Contractor is required to coordinate its design and construction activities related to relocation and/or protection of the sanitary sewer with the jurisdictional entity and obtain its review and comment prior to any construction impacting the sanitary sewer.

Appropriate-size casing will be provided for all utilities crossing the high-speed train (HST) right-of-way. Any requests to increase the size of an existing facility or accommodate installation of a future facility would be negotiated between the City of Fresno and the Authority. Future utilities would be allowed to cross the HST right-of-way subject to obtaining permits from the Authority and meeting the requirements of HST design criteria.

All future water lines for recycled water or potable water that are in the City of Fresno Water Master Plan (as identified by the GIS ShapeFiles provided by the City of Fresno) are provided with steel casings or RCP casing. The HST Construction contract's special provisions will require that the Design/Build Contractor coordinate with and obtain approval from the City of Fresno for all utilities under the jurisdiction of the City of Fresno's Department of Public Utilities.

L002-1

Regarding the adequacy of historical resources analysis, refer to Standard Response FB-Response-CUL-01.

L002-2

The design-build contractor will prepare a detailed Construction Transportation Plan (CTP) for the purpose of minimizing the impact of construction and construction traffic on adjoining and nearby roadways, and to maintain emergency responder access. This plan will address, in detail, the activities to be carried out in each construction phase, with the requirement of maintaining traffic flow during peak travel periods. Such activities include, but are not limited to, the routing and scheduling of materials deliveries, materials staging and storage areas, construction employee arrival and departure schedules, employee parking locations, and temporary road closures, if any. Because of both the timing of the project and because the selected proposal for design-build will likely influence the outcome, the CTP will not be prepared prior to the award of a design-build contract. The CTP will be prepared by the design-build contractor to match their proposed work program. The local jurisdiction (city or county) where the work will occur will provide its requirements and criteria to be included as the design-build contractor prepares the CTP. The design-build contractor's CTP will be developed in close cooperation with the local jurisdictions.

The Authority will further consult with the City of Fresno during the preparation of construction management plans, including emergency responders and public safety officials.

L002-3

As mentioned in the comment, the Authority incorporated specific design features into the Revised DEIR/SDEIS as requested by the City of Fresno. In regards to the design-build delivery method concerns, the design-builder will prepare a detailed Construction Transportation Plan (CTP) for the purpose of minimizing the impact of construction and construction traffic on adjoining and nearby roadways and maintain emergency responder access. This plan will address, in detail, the activities to be carried out in each construction phase, with the requirement of maintaining traffic flow during peak travel periods. Such activities include, but are not limited to, the routing and scheduling of

Response to Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

L002-3

materials deliveries, materials staging and storage areas, construction employee arrival and departure schedules, employee parking locations, and temporary road closures, if any. Because of both the timing of the project and because the selected proposal for design-build will likely influence the outcome, the CTP will not be prepared prior to the award of a design-build contract. The CTP will be prepared by the design-build contractor to match their proposed work program. The local jurisdiction (city or county) where the work will occur will provide its requirements and criteria to be included as the design-build contractor prepares the CTP. The design-build contractor's CTP will be developed in close cooperation with the local jurisdictions. The Authority will further consult with the City of Fresno during the preparation of construction management plans on a project basis.

L002-4

Refer to Standard Response FB-Response-GENERAL-08.

The Authority will continue coordination with the Greater Bakersfield Separation of Grade District and other local agencies on the required level of roadway improvements associated with the HST project.

L002-5

Intersection #6 (SR 99 NB Ramps/Ventura Street) is identified as impacted, and the mitigation listed in the EIR/EIS is to install a traffic signal, consistent with this comment. The project's impacts are only one share of the traffic that causes this intersection to meet signal warrants, and the share of responsibility would be determined with the City.

The Future (2035) Plus Project scenario represents analysis of the project impacts to a "planning horizon" year, wherein the project impacts and mitigation are forecast to this future operating year and allow for planned local growth to take place, as well as growth in future ridership. Thus, both project- and non-project-related traffic contribute to the identified impact at the future planning year. The mitigation measures identified for the project address the impacts at that future year, and the Authority will work with the local agencies in determining how these measures will be funded, shared, and implemented.

L002-6

Refer to Standard Response FB-Response-PU&E-03.

During final engineering design, the design-build contractor will work with all public works departments, private utility providers, and landowners to identify utilities and design appropriate relocation plans for those utilities.

L002-7

Refer to Standard Response FB-Response-PU&E-03.

The relocation and/or protection of sanitary sewer lines will be performed per the established requirements of the entity having jurisdiction over the sanitary sewer and the Authority's requirements for when utilities cross the HST right-of-way. Per contract requirements, the Contractor is required to coordinate its design and construction activities related to relocation and/or protection of the sanitary sewer with the jurisdictional entity and obtain its review and comment prior to any construction impacting the sanitary sewer.

L002-8

Refer to Standard Response FB-Response-PU&E-03, FB-Response-HWR-01.

Appropriate-size casing will be provided for all utilities crossing the high-speed train (HST) right-of-way. Any requests to increase the size of an existing facility or accommodate installation of a future facility would be negotiated between the City of Fresno and the Authority. Future utilities would be allowed to cross the HST right-of-way subject to obtaining permits from the Authority and meeting the requirements of HST design criteria.

L002-9

Refer to Standard Response FB-Response-PU&E-03, FB-Response-HWR-01.

All future water lines for recycled water or potable water that are in the City of Fresno Water Master Plan (as identified by the GIS ShapeFiles provided by the City of Fresno) are provided with steel casings or RCP casing. The HST Construction contract's special

Response to Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

L002-9

provisions will require that the Design/Build Contractor coordinate with and obtain approval from the City of Fresno for all utilities under the jurisdiction of the City of Fresno's Department of Public Utilities.

The Authority does not plan to greatly impact the City's water system operation.

- a) Steel casings will be one of the mitigation measures adopted for these types of utilities. The CHSRA design criteria require that utilities be located in such a manner that they can be serviced, maintained, and operated without being accessed from the railroad right of way and will not adversely affect safety or cause damage to the Authority facility. Underground facilities located within the right of way except for electrical and communication lines must be located in a steel casing pipe (3/8" minimum thickness) with welded joints).
- b) It is the intention of the design that water system appurtenances such as this be located outside of the HST ROW.
- c) The majority of facilities being relocated will occur within the existing City ROW.
- d) Specifics related to relocating facilities will be addressed in written agreements among the City, the Authority, and/or the Authority's contractors.
- e) The Authority will coordinate with all utility entities to refine the existing utility information during the current and future design phases.

L002-10

Refer to Standard Response FB-Response-PU&E-03, FB-Response-HWR-01.

The HST construction contract's provisions will require that the Design/Build Contractor coordinate with and obtain approval from the City of Fresno for all utilities under the jurisdiction of the City of Fresno's Department of Public Utilities.

L002-11

The Authority agrees with the City of Fresno's comment that Well Site No. 162 is productive and would need to be replaced due to implementation of the proposed HST alignment. The replacement or relocation of utility infrastructure, such as water wells, prior to HST construction is anticipated as part of the proposed project design. Further coordination with the Water Division, and other utility owners and operators, prior to full project design and implementation would occur with the goal of eliminating or substantially minimizing any disruption of services. As concluded in the Revised Draft EIR/Revised Supplemental EIS, no potentially significant impact would occur and no mitigation measure would be required.

L002-12

Refer to Standard Response FB-Response-PU&E-03, FB-Response-HWR-01.

Section 3.6, Public Utilities and Energy, states that where existing underground utilities, such as gas, petroleum, and water pipelines, cross the HST alignment, these affected utilities would be placed in a protective casing. The project construction contractor would coordinate schedules for utility relocations and protection-in-place with the utility owner to ensure the project would not result in prolonged disruption of services. If utilities cannot be relocated or modified within the construction footprint defined in Chapter 2, Alternatives, supplemental environmental analysis would be conducted, if necessary. All future water lines for recycled water or potable water that are in the City of Fresno Water Master Plan (as identified by the GIS ShapeFiles provided by the City of Fresno) are provided with steel casings or RCP casing. The HST construction contract's special provisions will require that the Design/Build Contractor coordinate with and obtain approval from the City of Fresno for all utilities under the jurisdiction of the City of Fresno's Department of Public Utilities.

L002-13

Refer to Standard Response FB-Response-PU&E-03, FB-Response-HWR-01.

The HST construction contract's special provisions will require that the Design/Build Contractor coordinate with and obtain approval from the City of Fresno for all utilities under the jurisdiction of the City of Fresno's Department of Public Utilities.

Response to Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

L002-14

The comment is concerned that the water usage analysis was not based on industrial uses factors. Industrial use factors were used in the development of water factors; the amount of water used is simply expressed in terms of gallons of water per employee. The amount of water expected to be used, 30 gallons per employee per day, includes all of the ways water would be used at a heavy maintenance facility (HMF). This water usage factor was estimated by comparing the number of train sets and employees for both the Bay Area Rapid Transit (actual numbers) and high-speed train facilities (planned numbers), and other climatic conditions (average temperature, humidity). In addition, landscaping was considered, as well as the expected use of anticipated water recycling and reuse technologies at the HMF. Refer to Appendix 3.6-B for further details.

L002-15

Refer to Standard Response FB-Response-HWR-04.

The heavy maintenance facility (HMF) would require approximately 52 acre-feet per year of water on average for domestic use. This projected water demand was not determined to have significant drawdown effects on the groundwater resources. Refer to Section 3.6.5 and Section 3.38.5 for further details. However, as discussed in Section 3.8, Hydrology and Water Resources, drawdown effects would be negligible. No entitlements are necessary to pump groundwater. If the Fresno Works–Fresno HMF Site is selected for the HMF and water service is requested from the City of Fresno by the Authority, municipal design guidelines and specifications will be employed in any relocation. Master agreements would be negotiated with each agency to ensure that the requirements and standards of each agency are followed by the design-build contractor. The Authority will require additional protective measures (i.e., casing and clearances) as defined in their technical memorandums to ensure protection of the HST facilities.

L002-16

A purpose of circulating the draft environmental document is to ensure that accurate information is provided to the public and decisionmakers. The Authority appreciates the city's efforts in clarifying the information presented in the EIR/EIS.

L002-17

The Federal Railroad Administration and Department of Transportation issued a Notice of Intent (NOI) to prepare an Environmental Impact Statement for the California High-Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year for the affected environment. The Draft EIR/EIS was released in August 2011. At the time that document was being prepared, the 2010 Census block-level data had not been published; the data were released in late August 2011.

The "Affected Environment" section of Section 3.12, Socioeconomics, Communities, and Environmental Justice, presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources included the California Department of Finance (2007 and 2010 data), American Community Survey (2006-2008 data), and the California Employment Development Division (2010 data). The methodologies for identifying and analyzing affected populations and all data sources used in the analysis are detailed in Appendix A, Methodologies, of the Community Impact Assessment Technical Report (Authority and FRA 2012h).

L002-18

The Federal Railroad Administration and Department of Transportation issued a notice of intent to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. At that time, the 2010 Census had not been published and therefore, the 2000 Census data were used for the socioeconomics analysis in addition to more recent data from the American Community Survey, the California Department of Finance, the California Employment Development Division, the California State Board of Equalization, as well as local data sources. The methodologies for identifying and analyzing affected populations, as well as all data sources used, are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h).

L002-19

The Federal Railroad Administration and Department of Transportation issued a notice of intent to prepare an environmental impact statement for the California High Speed

Response to Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

L002-19

Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. At that time, the 2010 Census had not been published and therefore, the 2000 Census data were used for the socioeconomics analysis in addition to more recent data from the American Community Survey, the California Department of Finance, the California Employment Development Division, the California State Board of Equalization, and local data sources. The methodologies for identifying and analyzing affected populations as well as all data sources used are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h).

L002-20

The Federal Railroad Administration and Department of Transportation issued a notice of intent to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. At that time, the 2010 Census had not been published; therefore, the 2000 Census data were used for the socioeconomics analysis in addition to more recent data from the American Community Survey, the California Department of Finance, the California Employment Development Division, the California State Board of Equalization, and local data sources. The methodologies for identifying and analyzing affected populations as well as all data sources used are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h).

L002-21

Refer to Master Response < Select a standard reply >.

This comment describes the Poverello House and the community services it provides. The Authority is aware of the Poverello House and analyzes the potential impacts of the HST on it.

L002-22

Refer to Standard Response FB-Response-GENERAL-18, FB-Response-SO-03, FB-Response-SO-04.

L002-22

The economic analysis presented in Section 3.12 of the EIR/EIS and the Community Impact Assessment (CIA) Technical Report (Authority and FRA 2012h) is comprehensive and complete.

Section 5.4.4.2 of the CIA examines the reduction in property tax revenues that would result from acquisition of land for project construction. The economic impact to the City of Fresno from the reduction in property tax revenues is insignificant and would not be perceptible to community residents, and no mitigation is required. Therefore, long-term increases in property tax revenue are not an off-set, nor are property tax revenue increases associated with increased property values surrounding stations considered an off-set. The EIR/EIS acknowledges the potential exists that some displaced businesses will choose not to reopen. Decisions to close or relocate outside of the City of Fresno will be made by individual property owners, and as such any estimate would be speculation. Businesses that would be relocated by the project would be entitled to relocation assistance and counseling similar to that provided to residents in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, to ensure adequate relocation of businesses. Compensation is provided for moving and relocation expenses. As such, businesses and property owners would not have increased difficulties obtaining a new loan or securing commercial space or a home because of the HST.

The short-term reductions in sales tax revenues are discussed in Section 3.12 Impact SO #12, because the need to acquire land will necessitate the relocation of businesses along the project alignment. With the relocation assistance discussed above, including assistance in finding replacement properties, moving expenses, and obtaining permits, temporary reductions in sales tax revenue from business displacement would be minimal. A detailed discussion of potential sales tax revenue losses is presented in Section 5.4.4.4 of the CIA. Losses for the City of Fresno would be an insignificant amount of the annual revenue from sales tax collected by the city. Therefore, the economic impact is measurable, but would not be perceptible to community residents, and no mitigation is required.

Additionally, the expected annual gain in sales tax revenue from project spending is

Response to Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

L002-22

greater than the expected loss from business relocation. Construction- and operation-related sales tax gains are examined in Section 5.4.6 of the CIA. The City of Fresno will have considerable additional revenues attributed to the construction and operation of the HST.

The Authority has approved a Community Benefits Policy that helps to remove potential barriers to small businesses, disadvantaged business enterprises, disabled veteran business enterprises, women-owned businesses, and microbusinesses that want to participate in building the High-Speed Train System. Under the Authority's Community Benefits Policy, design-build construction contracts will be required to adhere to the National Targeted Hiring Initiative, which states that a minimum of 30% of all project work hours shall be performed by National Targeted Workers and a minimum of 10% of National Targeted Workers hours shall be performed by disadvantaged workers.

L002-23

Refer to Standard Response FB-Response-SO-04, FB-Response-GENERAL-27.

The analysis in EIR/EIS Volume I Section 3.12 was conducted in accordance with the CEQA Guidelines referenced in the comment, which state that a project's economic or social impacts are considered significant only if they can be tied to direct physical changes in the environment. As a result, social and economic factors were used to determine significance if they would physically divide an established community, displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere, relocate substantial numbers of people necessitating the construction of replacement housing elsewhere, or result in substantial adverse physical impacts associated with the provision of new or physically altered community and governmental facilities or with the need for new or physically altered community and governmental facilities, the construction of which could cause significant environmental impacts.

Social and economic analysis was used to determine significance for:

- Impact SO#1- Disruption to Community Cohesion or Division of Existing Communities from Project Construction, which examines the potential for construction to divide

L002-23

existing communities, or to affect important facilities providing services to the communities, or to bring about changes in community character that could alter social interactions or affect community cohesion.

- Impact SO #5- Temporary Construction Employment, which examines the impact of employment created through project construction on the regional labor force and the potential to attract workers to the region.
- Impact SO #6-Disruption to Community Cohesion or Division of Existing Communities from Project operation, which examines the potential for the project to divide existing communities, or to affect important facilities providing services to the communities, or to bring about changes in community character that could alter social interactions or affect community cohesion.
- As an example: the displacement of the Fresno Rescue Mission would result in the division of a community and the loss of access to an important community resource, the intensity would be substantial under NEPA, and the impact would be significant under CEQA.
- Impact SO#7- Effects to the Regional Agricultural Community, which examines residential displacements in unincorporated areas of the region and how these displacements would cause considerable disruption to the agricultural community.
- Impact SO#9-Residential Displacements, which examines whether residential displacements would necessitate the construction of substantial numbers of replacement housing units.
- Impact SO #13-Employment Growth, which examines whether the jobs expected to be created as a result of the project would result in physical impacts from the provision of new or altered worker housing or provision of governmental and public services.

Table 3.12-18 provides a summary of significant impacts under CEQA, associated mitigation measures, and level of significance after mitigation.

L002-24

Refer to Standard Response FB-Response-GENERAL-01.

L002-25

Refer to Standard Response FB-Response-GENERAL-20, FB-Response-SO-01, FB-Response-SO-04, FB-Response-SO-05.

Response to Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

L002-25

The economic analysis presented in Section 3.12 of the EIR/EIS and in the Community Impact Assessment (CIA) Technical Report (Authority and FRA 2012h) is comprehensive and complete.

A comprehensive literature review in Section 5.4.4.3 of the CIA presents research studies conducted on the effect of constructing new commuter rail lines on residential and commercial real estate values. Although considerable research has been conducted on the property value impacts of rail transit, no studies were found that examine the specific question of high-speed rail impacts on real estate property values. Therefore, it is not clear how these findings would apply to high-speed rail projects and it is unclear whether the property value impacts would be similar. As a result, a calculation of loss of value of property adjacent to the project would be speculative.

Section 5.4.4.2 of the CIA examines the reduction in property tax revenues that would result from acquisition of land for project construction. The economic impact to the City of Fresno from the reduction in property tax revenues is insignificant and no mitigation is required. Therefore, long-term increases in property tax revenue are not an off-set, nor are property tax revenue increases associated with increased values of property surrounding stations considered an off-set.

The EIR/EIS acknowledges the potential exists that some displaced businesses will choose not to reopen. Decisions to close or relocate outside of the City of Fresno will be made by individual property owners, and as such any estimate would be speculative. Businesses that would be relocated by the project would be entitled to relocation assistance and counseling similar to that provided to residents in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, to ensure adequate relocation of businesses. Compensation is provided for moving and relocation expenses. As such, businesses and property owners would not have increased difficulties obtaining a new loan or securing commercial space or a home because of the HST.

The short-term reductions in sales tax revenues are discussed in Section 3.12 Impact SO #12, because the need to acquire land will necessitate the relocation of businesses

L002-25

along the project alignment. With the relocation assistance discussed above, including assistance in finding replacement properties, moving expenses, and obtaining permits, temporary reductions in sales tax revenue from business displacement would be minimal. A detailed discussion of potential sales tax revenue losses is presented in Section 5.4.4.4 of the CIA. Losses for the City of Fresno would be an insignificant amount of the annual revenue from sales tax collected by the city. Therefore, the economic impact is measurable, but would not require mitigation.

Additionally, the expected annual gain in sales tax revenue from project spending is greater than the expected loss from business relocation. Construction- and operation-related sales tax gains are examined in Section 5.4.6 of the CIA. The City of Fresno will have considerable additional revenues attributed to the construction and operation of the HST.

L002-26

Refer to Standard Response FB-Response-SO-04, FB-Response-GENERAL-20.

EIR/EIS Volume I Section 3.12 Impact SO#16 discusses the results of the analysis to determine if the social and economic consequences of the project would result in physical deterioration of communities. A detailed analysis is presented in Section 5.4.5 of the Community Impact Assessment Technical Report (Authority and FRA 2012h). Right-of-way acquisition associated with the project would result in many residential and business displacements. For the Fresno displacements, the area has sufficient numbers of suitable vacant residential and business structures to house these relocations, and therefore considerable residential migration or changes in the local business environment are expected. Given the overall size of the economy of Fresno, these business relocations do not represent a significant portion of the city's sales tax base or overall sales revenue, and any temporary period where these businesses would be closed to relocate would not be significant. It is anticipated that the majority of these businesses will relocate in the area and no physical deterioration will result.

Response to Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

L002-27

Collecting the individual conditional use permits and attributes of businesses is beyond the scope of an EIR/EIS. Details on the business analysis, including type of businesses affected, vacancies, and number of employees potentially affected are included in Section 5.2.3 of the Community Impact Assessment Technical Report (Authority and FRA 2012h), as well as in the Draft Relocation Impact Report (Authority and FRA 2012i). Direct communication with each affected business would occur during the acquisition stage.

L002-28

Refer to Standard Response FB-Response-SO-03, FB-Response-SO-01.

The property acquisition and compensation plan includes provisions to ensure relocated businesses remain fully operational at their new locations, including the potential for renovating existing structures to fit the needs of the business. Such compensation removes the need to identify vacancies beyond the two-digit level of NAICS codes in the vacancy analysis.

L002-29

The Federal Railroad Administration and Department of Transportation issued a notice of intent to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. At that time, the 2010 Census had not been published and therefore, the 2000 Census data were used for the socioeconomics analysis, in addition to more recent data from the American Community Survey, the California Department of Finance, the California Employment Development Division, the California State Board of Equalization, and local data sources. The methodologies for identifying and analyzing affected populations as well as all data sources used are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h).

L002-30

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-SO-01.

L002-30

The displacement of residential, business, and community facilities will be mitigated for because the Authority will comply with applicable federal and state laws and regulations, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The act and its amendments provide guidance on how federal agencies, or agencies receiving federal financial assistance for a project, and will compensate for impacts on property owners or tenants who need to relocate if they are displaced by a project. The Authority will compensate all property owners or tenants in accordance with this act, which applies to all real property. All benefits and services will be provided equitably without regard to race, color, religion, age, national origins, and disability, as specified under Title VI of the Civil Rights Act of 1964. The Relocation Assistance Program was developed to help displaced individuals move with as little inconvenience as possible and has commonly been used for large infrastructure projects that displace a large number of residences and businesses, such as the HST project, and is considered successful standard practice for mitigating the impacts to individual property owners.

L002-31

This comment is word-for-word identical to the City's comment 703-16 on the Merced to Fresno Draft EIR/EIS (Authority and FRA, Volume IV, 2012e). The Merced to Fresno EIR/EIS was revised to include the City's comments in SO-MM#2 (Authority and FRA, Volume 1, 2012e, pages 3.12-67 – 3.12-68). The Fresno to Bakersfield Revised DEIR/Supplemental DEIS incorporated what was the mitigation measure for the Merced to Fresno project into 3.12.6, "Project Design Features," see pages 3.12-116 and 3.12-117. While the City's language was not adopted in the City's requested form, i.e., the mitigation measure SO-MM#2 (and subsequently the Fresno to Bakersfield project design features), the concerns of the City's that generated its recommendations are satisfied by the project design feature. It ensures that the relocation plan is written in consultation with cities and counties, including the City of Fresno to meet the objectives set forth in the project design feature. The plan will be prepared before any acquisitions occur. As the City is aware, the Authority and the City have been in discussions to come to terms with a right-of-way acquisition agreement that implements the suggestions in this comment and provides the means for the City and Fresno County to assist with the relocation of businesses.

Response to Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

L002-32

This comment is word for word identical to the City's comment 703-16 on the Merced to Fresno Draft EIR/EIS (Authority and FRA, Volume IV, 2012e). The Merced to Fresno EIR/EIS was revised to include the City's comments in SO-MM#2 (Authority and FRA, Volume I, 2012e, pages 3.12-67–3.12-68). The Fresno to Bakersfield Revised DEIR/Supplemental DEIS incorporated what was the mitigation measure for the Merced to Fresno project into Section 3.12.6, "Project Design Features," see pages 3.12-116 and 3.12-117. While the City's language was not adopted in the City's requested form, i.e., the mitigation measure SO-MM#2 (and subsequently the Fresno to Bakersfield project design features), the concerns of the City's that generated its recommendations are satisfied by the project design feature. It ensures that the relocation plan is written in consultation with cities and counties, including the City of Fresno, to meet the objectives set forth in the project design feature. The plan will be prepared before any acquisitions occur. As the City is aware, the Authority and the City have been in discussions to come to terms with a right-of-way acquisition agreement that implements the suggestions in this comment and provides the means for the City and Fresno County to assist with the relocation of businesses.

L002-33

This comment is word for word identical to the City's comment 703-16 on the Merced to Fresno Draft EIR/EIS (Authority and FRA, Volume IV, 2012e). The Merced to Fresno EIR/EIS was revised to include the City's comments in SO-MM#2 (Authority and FRA, Volume I, 2012e, pages 3.12-67 – 3.12-68). The Fresno to Bakersfield Revised DEIR/Supplemental DEIS incorporated what was the mitigation measure for the Merced to Fresno project into Section 3.12.6, "Project Design Features," see pages 3.12-116 and 3.12-117. While the City's language was not adopted in the City's requested form, i.e., the mitigation measure SO-MM#2 (and subsequently the Fresno to Bakersfield project design features), the concerns of the City's that generated its recommendations are satisfied by the project design feature. It ensures that the relocation plan is written in consultation with cities and counties, including the City of Fresno, to meet the objectives set forth in the project design feature. The plan will be prepared before any acquisitions occur. As the City is aware, the Authority and the City have been in discussions to come to terms with a right-of-way acquisition agreement that implements the suggestions in this comment and provides the means for the City and Fresno County to assist with the

L002-33

relocation of businesses.

L002-34

This comment is word for word identical to the City's comment 703-16 on the Merced to Fresno Draft EIR/EIS (Authority and FRA, Volume IV, 2012e). The Merced to Fresno EIR/EIS was revised to include the City's comments in SO-MM#2 (Authority and FRA Volume I, 2012e, pages 3.12-67 – 3.12-68). The Fresno to Bakersfield Revised DEIR/Supplemental DEIS incorporated what was the mitigation measure for the Merced to Fresno project into 3.12.6, "Project Design Features," see pages 3.12-116 and 3.12-117. While the City's language was not adopted in the City's requested form, i.e., the mitigation measure SO-MM#2 (and subsequently the Fresno to Bakersfield project design features), the concerns of the City's that generated its recommendations are satisfied by the project design feature. It ensures that the relocation plan is written in consultation with cities and counties, including the City of Fresno, to meet the objectives set forth in the project design feature. The plan will be prepared before any acquisitions occur. As the City is aware, the Authority and the City have been in discussions to come to terms with a right-of-way acquisition agreement that implements the suggestions in this comment and provides the means for the City and Fresno County to assist with the relocation of businesses.

L002-35

This comment is word for word identical to the City's comment 703-16 on the Merced to Fresno Draft EIR/EIS (Authority and FRA, Volume IV, 2012e). The Merced to Fresno EIR/EIS was revised to include the City's comments in SO-MM#2 (Authority and FRA, Volume I, 2012e, pages 3.12-67 – 3.12-68). The Fresno to Bakersfield Revised DEIR/Supplemental DEIS incorporated what was the mitigation measure for the Merced to Fresno project into Section 3.12.6, "Project Design Features," see pages 3.12-116 and 3.12-117.

While the City's language was not adopted in the City's requested form, i.e., the mitigation measure SO-MM#2 (and subsequently the Fresno to Bakersfield project design features), the concerns of the City's that generated its recommendations are satisfied by the project design feature. It ensures that the relocation plan is written in consultation with cities and counties, including the City of Fresno, to meet the objectives

Response to Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

L002-35

set forth in the project design feature. The plan will be prepared before any acquisitions occur. As the City is aware, the Authority and the City have been in discussions to come to terms with a right-of-way acquisition agreement that implements the suggestions in this comment and provides the means for the City and Fresno County to assist with the relocation of businesses.

L002-36

The analysis did conclude that impacts of the overcrossing option would result in low visual quality. However, under the Federal Highway Administration (FHWA) methodology as applied in this study, because the existing visual quality of the H Street corridor was considered moderately low, that degree of change represents a decline of one "step" (moderately low to low), which is defined as a moderate impact, rather than two steps (e.g., moderate to low), which is defined as a substantial/significant impact. In other words, to maintain consistent application of the methodology, a "moderate" degree of impact was found, only because a "low" range of visual quality was the lowest level. However, as the discussion in the Revised DEIR/Supplemental DEIS also recognizes, high-sensitivity viewpoints of concern are in the vicinity, including the stadium entrance, Fulton Mall, and the SP Depot (see Figure 3.16-32a of the Revised DEIR/Supplemental DEIS). Therefore, as the Revised DEIR/Supplemental DEIS recognizes, the difference in post-project visual quality under the overcrossing and undercrossing options would be considerable. As the Revised DEIR/Supplemental DEIS states, the overcrossing option "would greatly reduce the potential beneficial effects of station development in this portion of downtown and Chinatown, and strongly compromise potential improvements to visual intactness and unity as experienced by large numbers of high-sensitivity viewers," as compared with the undercrossing option (ibid). In this sense, the City's comment that the undercrossing option would be "clearly environmentally superior" to the overcrossing option is correct and corroborated in the Revised DEIR/Supplemental DEIS.

L002-37

The Revised DEIR/Supplemental DEIS concluded that the effects of an overcrossing at Ventura Street would be considerably less than the effects of an overcrossing at Tulare Street because of the comparative absence of high-sensitivity receptors such as the stadium entrance, SP Depot, or Fulton Mall, which terminates two blocks north of

L002-37

Ventura Avenue. Thus, from a strictly aesthetic perspective, the impacts of a Ventura Avenue overcrossing would not be comparable to a Tulare Street overcrossing due to a relative absence of high-sensitivity receptors.

L002-38

Thank you for your comment. Please note that the Revised DEIR/Supplemental DEIS identifies indirect adverse effects from the BNSF Alternative's Tulare Street overcrossing option to the Southern Pacific Railroad Depot and no adverse effects on the Bank of Italy building.

L002-39

Thank you. The decision to construct the Mariposa Station will be determined based on all of the factors involved regarding the least environmentally damaging alternative as required by 40 CFR. 230.7(b)(1).

L002-40

Refer to Standard Response FB-Response-CUL-03.

L002-41

Refer to Standard Response FB-Response-CUL-03.

The analysis of potential effects to the South Van Ness Entrance Gate from the BNSF Alternative Alignment is described in Chapter 3.17, Cultural and Paleontological Resources of the Revised Draft EIR/Supplemental Draft EIS. The effect to this NRHP-listed property was revised and an indirect adverse effect was identified (Section 106 of the NHPA, 36 CFR 800.5, Assessment of Adverse Effects), which is a substantial adverse change for the purposes of CEQA [CEQA Guidelines 15064.5 (b)]. The impact is that the historic structure is an entrance gate spanning a street that once carried Highway 99 into the City of Fresno. The project will permanently close Van Ness Avenue, which will become a cul-de-sac, leaving the "entrance gate" over a dead end road at the cul-de-sac. This is an adverse effect because it diminishes the integrity of design and eliminates its historic function. Mitigation is that it is not being physically altered or demolished, and it will be subject to Historic American and Engineering

Response to Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

L002-41

Record (HAER) recordation before HST construction. While this treatment complies with resolution of effects under Section 106, it will not reduce the impact to less than significant under CEQA.

These conclusions are presented in the Revised DEIR/Supplemental DEIS and discussed in greater detail in the Findings of Effect (FOE) report, as part of the compliance with the Section 106 Programmatic Agreement, which constitutes an agreement between the State Historic Preservation Officer (SHPO), the Authority, the FRA, and Native American tribes, on how the compliance with Section 106 will be implemented. The FOE describes the assessment of potential adverse effect (and substantial adverse change) to this historic property that would result from the closure of the street and identifies measures to mitigate the effect/adverse change. Mitigation measures developed to address these effects will be incorporated into project design and construction documents.

L002-42

Thank you for your comment. The City of Fresno will be invited to be a consulting party on the project.

L002-43

Refer to Standard Response FB-Response-CUL-01, FB-Response-CUL-03.

Further, as discussed in Section 3.17.2, Laws, Regulations, and Orders, of the Final EIR/EIS, the existence of the Section 106 Programmatic Agreement provides an enforceable series of performance standards and stipulations to resolve any adverse effects caused by the project. In addition, mitigation measure CUL-MM#10 is provided reduce to a less-than-significant level any operational noise impacts to historical resources or historic properties.

L002-44

Comment noted. Status of City of Fresno staff review of the eligibility of the U.S. Steel facility at 2421 East California Avenue for the local city register is not known. The U.S. Steel facility was evaluated using the significance criteria of the National Register of

L002-44

Historic Places (NRHP) and the California Register of Historical Resources (CRHR) and reported in the Revised DEIR/Supplemental DEIS. The evaluation concluded that the facility does not meet the criteria for either NRHP or CRHR listing, as presented in the Historic Architectural Survey Report (HASR) (Authority and FRA 2011b). The California State Historic Preservation Officer (SHPO) concurred with this finding in February 2012 (SHPO 2012). The facility is also not considered a historical resource for the purposes of the California Environmental Quality Act (CEQA).

L002-45

Hourly construction wage rate was assumed to be \$75 per hour for the purpose of economic analysis; this rate was based on published prevailing wages in California for heavy civil construction trades (Davis-Bacon Act). This rate also includes fringe benefits and employer's payroll taxes, resulting in an annual burden construction salary (excluding contractor mark-ups) of \$156,000 (\$75/hr x 2,080 hr/yr).

L002-46

Refer to Standard Response FB-Response-GENERAL-08.

Coordination with local agencies will continue to be conducted through the design and procurement process; the specific design elements referenced in the comment have been revised in the EIR/EIS, in coordination with the City.

L002-47

Refer to Standard Response FB-Response-GENERAL-08.

Coordination with local agencies will continue to be conducted through the design and procurement process; the specific design elements referenced in the comment have been revised in the EIR/EIS, in coordination with the City.

L002-48

Refer to Standard Response FB-Response-SO-04, FB-Response-SO-05, FB-Response-AG-02, FB-Response-AG-03.

Response to Submission L002 (Mark Scott, City of Fresno, October 22, 2012) - Continued

L002-49

The Fresno Station's structures and site configuration will be refined in a subsequent design phase of development, providing an opportunity to better integrate with the City of Fresno's downtown development vision and station area plan. The station and its support structures presented in the EIR/EIS respond to Authority site and station facility planning guidelines and are presented as preliminary designs sufficient to inform environmental review. The station planning process will support the City's vision for returning the street grid to the streets abutting the station campus.

L002-50

The parking garage locations presented were coordinated with City of Fresno staff. Further refinement of these locations may be possible and will be done in consultation with City staff. In conjunction with the Authority/FRA-funded Station Area Planning Program, representatives of the Authority will collaborate with City staff to identify a parking strategy that accounts for the phasing of parking supply over time.

L002-51

The parking supply depicted in the station drawings is intended to address HST-related demand and to comply with Authority parking policy. The parking facility locations were determined in collaboration with City staff. In recognition of existing supply of underutilized spaces in Downtown Fresno, the total number of spaces shown in the station drawings is less than the total demand estimated at 2035. In conjunction with the Authority/FRA-funded Station Area Planning Program, representatives of the Authority will collaborate with City staff to identify a parking strategy that accounts for the phasing of parking supply over time. The project assumes that the warehouse in question will be removed to accommodate a new parking structure. It is possible that through the discussions that will occur in conjunction with the City's Station Area Planning Program, the assumptions for station parking will evolve. If so, the warehouse could be retained or incorporated into a parking solution on the site.

L002-52

The location for taxi and shuttle pick-up, whether on the station's east side or west side, requires further study. Specifically, the station's intermodal connectivity is a function of available roadway capacity and available properties to accommodate taxi, shuttle, and

L002-52

bus circulation and access. The decision on where to locate these functions, along with a possible location for the relocated Greyhound station, will be made after further study and consultation with City staff.

L002-53

As configured, the station's western entrance is a secondary entrance. The primary entrance, the eastern entrance, faces downtown per input provided by City of Fresno staff.

L002-54

Refer to Standard Response FB-Response-SO-04.

L002-55

The parking supply depicted in the station drawings is intended to address HST-related demand and to comply with Authority parking policy. The parking facility locations were determined in collaboration with City staff. In recognition of the existing supply of underutilized spaces in Downtown Fresno, the total number of spaces shown in the station drawings is less than the total demand estimated for 2035. In conjunction with the Authority/FRA-funded Station Area Planning Program, representatives of the Authority will collaborate with City staff to identify a parking strategy that accounts for the phasing of parking supply over time.

Submission L003 (Michael Miya, Kings County Farm Bureau, October 20, 2012)



Kings County Farm Bureau

870 Greenfield Avenue • Hanford, California 93230
Telephone (559) 584-3557 • FAX (559) 584-1614 • www.kcfb.org

October 19, 2012

California High Speed Rail Authority
Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814

Officers

Michael Miya
President

Dino Giacomuzzi
Vice President

Joshua Bettencourt
Secretary/Treasurer

Board of Directors

Joseph Aleala

Stan Azevedo

Tyler Bennett

Aubrey Bettencourt

Jim Crisp

Theo de Haan

Ryan Dooley

Chuck Draxler

John Ellis

Pete Hanse

Gary Lindley

Michael Mael

Bryan Mello

Brian Rodrigues

Steve Walker

Bob Wilson

Frank Zonneveld

Re: California High-Speed Train Project: Fresno to Bakersfield Section
Revised Draft Environmental Impact Report/Statement Comments

Kings County Farm Bureau (KCFB) submits the following comments on the *Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS)* for the Fresno to Bakersfield Section of the California High Speed Train Project (the "Project"). KCFB is a non-governmental, non-profit organization whose membership consists of nearly 800 farm, ranch and agribusiness families. As currently planned by the California High Speed Rail Authority ("Authority") and the Federal Railroad Administration ("FRA"), the Project will have destructive impacts on, among other things, Kings County's diverse agricultural landscape and agricultural economy.

As a preliminary matter, the RDEIR/SDEIS fails in its objective of identifying and assessing regional landscape-level impacts, as well as potential mitigation measures. Further, in our effort to review and assess the environmental document, KCFB has coordinated, and continues to coordinate, with local governmental and non-governmental agencies and organizations, which include the County of Kings, Madera County Farm Bureau, Merced County Farm Bureau and Citizens For California High Speed Rail Accountability. Accordingly, all comments submitted by the aforementioned agencies and organizations are hereby incorporated by KCFB as though fully set forth within this correspondence. KCFB further asserts that the RDEIR/SDEIS is woefully inadequate and fails to comply with the mandatory requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

The Authority has had numerous opportunities to engage cooperatively with KCFB and other stakeholders, as for more than two years, KCFB representatives have made every effort to communicate to the Authority the severity of impacts this Project proposes to exact on the agricultural community of Kings County. However, our questions, concerns and requests for proper analyses have repeatedly been dismissed and deferred, as the Authority refuses to obtain the information necessary to prepare an adequate analysis.

Since February 2010, KCFB has consistently maintained its position that the alignment (s) chosen for the Fresno to Bakersfield Segment, specifically that portion which is within the borders of Kings County fails to adhere to the mandate set forth in Proposition 1A, and in the original objective of the project itself: placing the proposed High Speed Train system in or along an existing transportation corridor.

L003-7

In fact, the FRA states in its Record of Decision for the 2005 Program-level Environmental Impact Report/Statement, Section 8.6 "The strategies of placing the proposed HST system in or along existing transportation corridors (existing railroad or highway rights of way) and requiring stations to be multi-modal transit hubs serve to reduce the extent of land acquisition needed for the proposed new HST system, and serve to limit the extent to which adjacent land uses would be inconsistent or incompatible with the HST system."

This stated strategy, along with the Authority's objective of planning for stations in urban areas, promoting Transit Oriented Development, were completely disregarded within the boundaries of Kings County. Though other community bypass loops were eliminated during the Alternatives Analysis planning phase, due to excessive impacts to agricultural land and "green space", and much consideration was given to station planning within the City of Fresno, this same consideration was not given to the agricultural community of Kings County and the citizens of Hanford. It appears that the Authority has acted with prejudice in its decision to negatively impact Kings County in this manner.

L003-8

L003-9

Additionally, U.S. Environmental Protection Agency directed the Authority and FRA, for Project-level, Tier 2 NEPA analyses of the Project, to conduct an analysis and comparison of alignments with and without community bypass loops. CEQA additionally requires an EIR to evaluate "alternatives that might eliminate or reduce the Project's adverse environmental effects." As the Project is currently proposed in Kings County, both alignments are considered community bypass loops, and an alignment which would avoid the disproportionate damage to agricultural land is neither considered nor analyzed in the RDEIR/SDEIS. It is these damages and impacts which the Authority has been grossly negligent in omitting from the RDEIR/SDEIS.

L003-10

Since 2010, KCFB has, along with a number of Central Valley agricultural organizations and stakeholders, repeatedly requested this detailed analysis. The following is only a few of the questions/comments posed to the Authority that, to date, have not been properly addressed and are not included in the RDEIR/SDEIS.

L003-11

- What is the effect on property and property values if the rail cuts through the middle of property?

L003-12

- How does the loss of farmland impact county property tax revenues? What are the Williamson Act implications?

L003-13

- How do you irrigate with a train running through your orchard or vineyard? These farms will become unproductive. What action will the Authority take to prevent impacts to irrigation sources and systems?

L003-14

- How will the Authority estimate farmers' future lost revenues on impacted lands?
- What will the Authority do if a route renders a farmer's parcel unprofitable?
- How will the Authority compensate growers for impacts to farm loans?
- What will the additional impact to farmland be, with overpasses to be built every mile. Even more acreage will need to be acquired?

L003-15

- How will large farm equipment transport safely across overpasses during periods of dense fog?

L003-16

- Have you analyzed the potential increase in emissions that will occur due to increases in farm equipment miles to reach property that is no longer contiguous? How will this impact farming efficiencies, the need for additional fuel, labor costs and wear on equipment? How

Submission L003 (Michael Miya, Kings County Farm Bureau, October 20, 2012) - Continued

- L003-17 | will the increased equipment miles impact our community's requirements to comply with air quality regulation?
- L003-18 | • What action will the Authority take to prevent impacts to typical agricultural practices, such as pollination and spraying? Who is liable if damage or injury should occur?
- L003-19 | • How will the Authority mitigate for remnant parcels that will be created and potentially abandoned?
- L003-20 | • How will a dairy farmer compensate for lost revenue due to a reduction in herd size as a result of lost acreage to the Project?
- L003-21 | • How will a Dairy requiring relocation acquire the necessary conditional use permits from the County government, Air Pollution Control Board and Regional Water Quality Control Board in a timely manner? The permitting processing can take many months or even years.
- L003-22 | • How will the noise and vibration affect livestock?

The foregoing is only a brief summary of the many questions/comments that were submitted to the Authority's staff and consultants, both verbally and in writing, approximately one year in advance of the release of the original DEIR/DEIS in August 2011. Yet, the Authority failed to abide by their assurance that an agricultural working group was being formed to properly evaluate these and other questions in preparation for an adequate environmental review. Rather, the "Agricultural Working Group" was formed and met for the first time approximately one week before the release of the original DEIR/DEIS, making a proper assessment of the impacts, concerns and questions impossible.

Further, when the Agricultural Working Group finally produced its report, its meager content was not only insulting, but completely failed to meet the original objective for which it was intended. The report contained an encyclopedic reply, not a thorough and adequate analysis, to only six questions:

- Will the wind produced by the high-speed train disrupt bee pollination activity?
- Will the delivery of agricultural water be impacted by the high-speed train?
- Will the high speed rail system adversely affect the transport & movement of agricultural equipment over public roads?
- What are effects of noise, vibrations and electromagnetic fields from a high-speed rail upon dairy production?
- Will the train create new pesticide regulations?
- What is the winds effect on pollination; blossoms and dust?

More importantly, this brief and inadequate analysis was not included in the RDEIR/SDEIS and instead circulated as a document independent of the environmental review process.

As stated in our previously submitted comment letter, KCFB once again provides the following comments for the Authority's consideration:

- The RDEIR/SDEIS fails to meet the criteria set forth in the Farmland Protection Policy Act, to minimize the extent to which the Federal programs (the Project) contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses.
- The RDEIR/SDEIS fails to provide a comparative analysis on an alternative alignment that would avoid the unnecessary conversion of protected agricultural land.

L003-25 |

L003-26 |

L003-27 |

L003-28 |

L003-29 |

L003-30 |

L003-31 |

L003-32 |

L003-33 |

L003-34 |

- The RDEIR/SDEIS fails to address the requirement for public acquisition of Williamson Act (California Government Code §§51290 - 51295, 51296.6) contracted lands; and fails to describe how the Project will comply with stated requirements.
- The RDEIR/SDEIS fails to adequately and accurately identify and analyze the policies of the Kings County General Plan 2035 related to land use, planning, zoning and ag preservation.
- The RDEIR/SDEIS fails to demonstrate appropriate consultation/coordination with local government regarding the above-referenced policies.
- The RDEIR/SDEIS fails to adequately and accurately identify and analyze inconsistencies and conflicts between the "Project" and local government policies and plans. Such conflicts were predetermined and communicated to the Authority and FRA prior to release of RDEIR/SDEIS.
- Where inconsistencies or conflicts exist, the DEIR/DEIS fails to describe the extent of reconciliation as required in [FRA Docket No. EP-1, Notice 5] (U.S. Department of Transportation, Federal Railroad Administration, Procedures for Considering Environmental Impacts).
- The RDEIR/SDEIS fails to provide technical evidence and studies on the effect of wind vortex and pesticide drift as requested by the agricultural community and local ag commissioner.
- The RDEIR/SDEIS fails to provide adequate, detailed and technical assessment of the HST impacts (physical, operational and economical) to agricultural cropland and facilities (dairies, processors, feedlots, etc.), including loss of productivity (present and future), loss of structures, loss of utilities and services, diminished property valuation, etc.
- The RDEIR/SDEIS fails to appropriately address specific economic impacts related to parcel severance, which render smaller parcels "too small to maintain economic activity."
- The RDEIR/SDEIS fails to provide environmental impacts related to increased emissions from farming equipment: a result of farming inefficiencies created by access severance.
- The RDEIR/SDEIS fails to assess safety concerns related to transport of farm equipment on proposed overpasses.
- The RDEIR/SDEIS fails to adequately identify, analyze and mitigate the Project's adverse impacts to agriculture, both stated and omitted.
- The Project Description contained in the RDEIR/SDEIS is uncertain, incomplete and inadequate. As a result, the true impact and scope of the Project cannot be ascertained.

KCFB urges the Authority to fully consider and meaningfully respond to the comments set forth above.

Sincerely,



Michael Miya
President

Submission L003 (Michael Miya, Kings County Farm Bureau, October 20, 2012) - Continued



Response to Submission L003 (Michael Miya, Kings County Farm Bureau, October 20, 2012)

L003-1

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-01.

The Authority recognizes that the loss of farmland cannot be fully mitigated, and as such has been classified as a significant and unavoidable impact. See Impact AG #4 for information on the permanent conversion of agricultural land and see Mitigation Measure AG #1 in Section 3.14.7 for measures to reduce the impact on prime farmland by providing for the acquisition of permanent conservation easements from willing sellers.

L003-2

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-04.

The Authority disagrees with this assertion. The Revised DEIR/Supplemental DEIS is a good faith effort toward the disclosure of the reasonably foreseeable environmental effects of the HST project. The Revised DEIR/Supplemental DEIS complies with the requirements of both CEQA and NEPA.

L003-3

All comments submitted on the Draft EIR/EIS or Revised DEIR/Supplemental DEIS by the County of Kings, Madera County Farm Bureau, Merced County Farm Bureau, and Citizens for California High-Speed Rail Accountability have been addressed in Volumes IV and V of this document.

L003-4

The Draft EIR/EIS and the Revised DEIR/Supplemental DEIS provided documentary evidence that the Authority and FRA are fulfilling their duty to comply with CEQA and NEPA. Project alternatives were identified, the impacts of which were evaluated at an equal level of detail and fully disclosed, and input was sought and received from the public, including those identified as minority, low income or disadvantaged.

As indicated in the responses to specific comments, this submission provides no substantive evidence that the Revised DEIR/Supplemental DEIS fails to comply with CEQA and NEPA.

L003-5

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-04, FB-Response-GENERAL-07, FB-Response-GENERAL-16.

The Authority has encouraged the participation of the Kings County Farm Bureau in the past and looks forward to ongoing discussions concerning the environmental review for the project section. Representatives from the Farm Bureau attended hearings during the public comment periods associated with the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS, as well as the Public Information Meeting prior to the release of the revised documents. The Authority has received comments on the draft and revised documents from the Farm Bureau and will answer them in accordance with CEQA in the Final EIR/EIS.

L003-6

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-GENERAL-10, FB-Response-AG-01.

The Authority conducted an analysis of alternative alignments that follow State Route (SR) 99/the Union Pacific Railroad (UPRR) and the Interstate 5 (I-5) corridor and determined that these alternatives were not practicable. Therefore, they were not carried forward in the EIR/EIS. Kings County has not provided any new information that would change these conclusions. Neither the California Environmental Quality Act (CEQA) nor the National Environmental Policy Act (NEPA) requires an environmental document to analyze impacts that are not practicable to implement.

In the case of Hanford, it was not feasible to follow the BNSF Railway (BNSF) corridor through the city. The BNSF corridor in the Hanford area has several curves that are too severe for an HST alignment, and constructing the HST project through Hanford would have resulted in a substantial impact on residential and commercial properties in the city. For those reasons, the Preferred Alternative for the Fresno to Bakersfield Section was selected to bypass Hanford in the Statewide Program EIR/EIS for the California High-Speed Rail System (Authority and FRA 2005).

The Authority used the information in the Final EIR/EIS and input from the agencies and

Response to Submission L003 (Michael Miya, Kings County Farm Bureau, October 20, 2012) - Continued

L003-6

public to identify the Preferred Alternative. The decision included consideration of the project purpose, need, and objectives, as presented in Chapter 1, Project Purpose, Need, and Objectives; the objectives and criteria in the alternatives analysis; and the comparative potential for environmental impacts. The Preferred Alternative has the least overall impact on the environment and local communities, the lowest cost, and the fewest constructability constraints of the project alternatives evaluated.

L003-7

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-GENERAL-10, FB-Response-AG-01.

The Authority conducted an analysis of alternative alignments that follow State Route (SR) 99/the Union Pacific Railroad (UPRR) and the Interstate 5 (I-5) corridor and determined that these alternatives were not practicable. Therefore, they were not carried forward in the EIR/EIS. Kings County has not provided any new information that would change these conclusions. Neither the California Environmental Quality Act (CEQA) nor the National Environmental Policy Act (NEPA) requires an environmental document to analyze impacts that are not practicable to implement.

In the case of Hanford, it was not feasible to follow the BNSF Railway (BNSF) corridor through the city. The BNSF corridor in the Hanford area has several curves that are too severe for an HST alignment, and constructing the HST project through Hanford would have resulted in a substantial impact on residential and commercial properties in the city. For those reasons, the Preferred Alternative for the Fresno to Bakersfield Section was selected to bypass Hanford in the Statewide Program EIR/EIS for the California High-Speed Rail System (Authority and FRA 2005).

The Authority used the information in the Final EIR/EIS and input from the agencies and public to identify the Preferred Alternative. The decision included consideration of the project purpose, need, and objectives, as presented in Chapter 1, Project Purpose, Need, and Objectives; the objectives and criteria in the alternatives analysis; and the comparative potential for environmental impacts. The Preferred Alternative has the least overall impact on the environment and local communities, the lowest cost, and the fewest constructability constraints of the project alternatives evaluated.

L003-8

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-GENERAL-10, FB-Response-AG-01.

The Authority conducted an analysis of alternative alignments that follow State Route (SR) 99/the Union Pacific Railroad (UPRR) and the Interstate 5 (I-5) corridor and determined that these alternatives were not practicable. Therefore, they were not carried forward in the EIR/EIS. Kings County has not provided any new information that would change these conclusions. Neither the California Environmental Quality Act (CEQA) nor the National Environmental Policy Act (NEPA) requires an environmental document to analyze impacts that are not practicable to implement.

In the case of Hanford, it was not feasible to follow the BNSF Railway (BNSF) corridor through the city. The BNSF corridor in the Hanford area has several curves that are too severe for an HST alignment, and constructing the HST project through Hanford would have resulted in a substantial impact on residential and commercial properties in the city. For those reasons, the Preferred Alternative for the Fresno to Bakersfield Section was selected to bypass Hanford in the Statewide Program EIR/EIS for the California High-Speed Rail System (Authority and FRA 2005).

The Authority used the information in the Final EIR/EIS and input from the agencies and public to identify the Preferred Alternative. The decision included consideration of the project purpose, need, and objectives, as presented in Chapter 1, Project Purpose, Need, and Objectives; the objectives and criteria in the alternatives analysis; and the comparative potential for environmental impacts. The Preferred Alternative has the least overall impact on the environment and local communities, the lowest cost, and the fewest constructability constraints of the project alternatives evaluated.

L003-9

Refer to Standard Response FB-Response-GENERAL-02.

The alternative routes through Kings County bypass downtown Hanford. Please see FB-Response-GENERAL-02 for reasons why a route through the city of Hanford was eliminated from further consideration. The two alternative routes around Hanford have

Response to Submission L003 (Michael Miya, Kings County Farm Bureau, October 20, 2012) - Continued

L003-9

different effects on agriculture. The Hanford West Bypass 2 Alternative reduces impacts on Important Farmland by 14%, reduces impacts on Williamson Act lands by 50%, and reduces impacts on Farmland Security Zone lands by almost 40%, in comparison to the Hanford East Bypass (i.e., the BNSF Alternative).

L003-10

The Authority has and will continue to work with impacted agricultural stakeholders to inform them of impacts, address mitigation measures, and listen to their feedback. The formation and assembly of the Agricultural Working Group was an optional effort that the Authority undertook to comprehensively address agricultural concerns and engage agricultural stakeholders as part of its ongoing public outreach strategy. The group was convened around the time of the release of the Draft EIR/EIS to facilitate the understanding of the document, including the impacts identified and the potential mitigation measures outlined. The group met on the following dates: July 29, 2011; August 12, 2011; August 25, 2011; September 7, 2011; September 30, 2011; October 28, 2011; November 18, 2011; January 13, 2012; January 27, 2012; February 10, 2012; March 14, 2012; and June 28, 2012. Meeting materials, including white papers, agendas, and correspondence are available on the Authority's website. The work done by the Agricultural Working Group was used to prepare the Revised DEIR/Supplemental DEIS and the responses to comments.

L003-11

Refer to Standard Response FB-Response-AG-02, FB-Response-SO-02.

For information on impacts on agricultural properties, including parcel splits and displaced facilities, see Volume I, Section 3.12, Impact SO #11. For a detailed analysis of the effects of the HST project on agricultural production, see Appendix C of the Community Impact Assessment Technical Report. For information on potential HST project impacts on property values, see Section 5.4.4.3 in the Community Impact Assessment Technical Report.

L003-12

Refer to Standard Response FB-Response-AG-07, FB-Response-SO-05, FB-

L003-12

Response-SO-01.

Each impacted parcel under a Williamson Act or FSZ contract was analyzed to determine if the remaining acreage of the parcel fell below the minimum acreage requirements of these programs. In some circumstances the minimum acreage requirements may be waived at each county's discretion. The analysis assumed a worst-case scenario, where any impacted parcel that no longer met the minimum acreage requirements was assumed to fall out of contract. If property tax losses result from removal of properties from Williamson Act contract, tax revenues would go up. These impacts would be slightly positive for the county's property tax assessment. Since it is not known if the property will remain in contract or not, the worst-case scenario in regards to county-collected property tax revenues was analyzed, which is all lands remaining in Williamson Act contract. The Authority does recognize that losses of Williamson Act lands will affect individual landowners as a result of the HST alignment. Any impacts on an individual's property taxes as a result of the HST would be subject to possible compensation from the Authority as a result of the loss of the Williamson Act contract benefits.

L003-13

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-04.

Federal and state laws require that the Authority pay fair market value for the land that is acquired. The land acquisition process occurs before construction. It is during this phase that the Authority's right-of-way agent will work with individual land owners to mitigate impacts from both construction and operation of the HST. If farmland is not farmable, the Authority will compensate the landowner at fair market value.

L003-14

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-02, FB-Response-AG-03, FB-Response-TR-02, FB-Response-SO-01.

For information on the project effects on agricultural business and economic effects on agriculture see EIR/EIS Volume I, Section 3.12, Impacts SO#11 and SO #15.

Response to Submission L003 (Michael Miya, Kings County Farm Bureau, October 20, 2012) - Continued

L003-15

Refer to Standard Response FB-Response-S&S-01.

L003-16

Refer to Standard Response FB-Response-AQ-03, FB-Response-GENERAL-04, FB-Response-AG-02, FB-Response-AG-04, FB-Response-AQ-04.

L003-17

Refer to Standard Response FB-Response-AG-05.

The Authority formed an agricultural working group to assist the Authority on agricultural issues. The working group is composed of university, government agencies, and agri-business representatives. The group completed a white paper on pesticide use impacts in 2012 (this paper is on the Authority's website). That white paper reports there would be no need for new spraying regulations around the HST, as it would be treated like any other transportation corridor.

Statements regarding the termination of aerial application of pesticides within 0.25 mile of the HST alignment are an oversimplification of the aerial application process. To conduct aerial applications of pesticides, each farm must submit an application to its respective County Agricultural Commissioner, detailing what types of pesticide they are proposing to spray. It is after receiving this information that the Agricultural Commissioner places restrictions on the farm's application of pesticides. These restrictions include, but are not limited to: buffer zones, aerial spraying height restrictions, mesh size limits, and wind speed restrictions. When creating these restrictions, the Agricultural Commissioner is looking at nearby sensitive receptors (transportation corridors, houses, business, etc.), the proposed pesticides to be sprayed (different pesticides have different spraying restrictions based on the manufacturer's approved application rates), and several other factors that may influence environmental effects of pesticide application. As there are a large number of factors that influence the possible restrictions placed on aerial application of pesticides, an absolute statement of no spraying within 0.25 mile is not reasonable. Several options are available to farmers so they may not have new spraying restrictions placed on them by their Agricultural Commissioner. For example, the farmer could change the pesticides they are proposing

L003-17

to use that have fewer restrictions; they could also plant a different variety of crops adjacent to the HST that does not require the application of pesticides with spraying restrictions.

The Authority recognizes that possible changes to current spraying practice from the HST may reduce the productivity of a farmer's remaining property. Those possible impacts would be taken into account by the appraiser at the time of right-of-way acquisition, and any diminution in value to a property owner's remaining parcel(s) will be estimated by the appraiser through the appraisal process. This involves appraising the remainder as it contributes to the whole property value before acquisition, then appraising the remainder in the after condition as a separate parcel as though the project was constructed, and including any estimated damages to the remainder parcel, such as, cost of re-establishing irrigation systems, replacing wells, providing buffers for aerial spraying, etc. The difference between these "before" and "after" values is called severance damages and will reflect any loss in value to the remainder parcel due to the construction in the manner proposed.

Land that may be affected by new aerial application restrictions would still be used by the farmer for agricultural purposes, as would new turning areas at the end of crop rows. Therefore, there is no conversion of agricultural land from project impacts to current aerial spraying practices; however, it is an economic hardship in terms of reduced production for remaining parcels of a farm. As is the case with removing land planted in crops for use as equipment turning lanes, the need to provide a buffer for crop spraying will be analyzed and addressed at the appraisal stage with input from the property owners and managers, and experts in the field.

The typical HST trainset is sealed, with windows that cannot be opened, and no gaps between cars. If pesticide applicators apply pesticides next to the HST in accordance with the existing regulations there should be no liability. If they fail to meet those regulations, the applicator would be liable for damages.

The July 2012 Agricultural Working Group white papers entitled "Bees and Pollination" and "Pesticide Use Impacts" examine the HST Project's potential to adversely affect pollination and spraying. The Revised DEIR/Supplemental DEIS concluded that the HST

Response to Submission L003 (Michael Miya, Kings County Farm Bureau, October 20, 2012) - Continued

L003-17

project's impacts would be less than significant and these white papers support that conclusion.

In April 2013, the Authority reached an agreement with agricultural interests on mitigation of agricultural land impacts for the Merced to Fresno Section of the HST System (Authority 2013). Under that agreement, the Authority will acquire agricultural conservation easements for its impact on Important Farmland (i.e., land classified as prime farmland, farmland of statewide importance, farmland of local importance, and unique farmland) at the following ratios:

- Important Farmland converted to nonagricultural uses either by direct commitment of the land to project facilities or by the creation of remnant parcels that cannot be economically farmed will be mitigated at a ratio of 1:1.
- Where HST project facilities would create a remnant parcel of 20 acres or less in size, the acreage of that remnant parcel will be mitigated at a ratio of 1:1.
- An area 25 feet wide bordering Important Farmland converted to nonagricultural uses by project facilities (not counting remnant parcels) will be mitigated at a ratio of 0.5:1.

L003-18

Refer to Standard Response FB-Response-AG-02, FB-Response-AG-03.

L003-19

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-06, FB-Response-SO-01.

See the EIR/EIS, Volume I, Section 3.12, Impact SO #15, and Volume II, Appendix 3.14-B, for impacts to confined-animal agriculture. The Authority has committed to maintain a permit bureau to help businesses (including confined-animal operations) overcome the regulatory disruptions caused by the project.

L003-20

Research on noise effects on wildlife and livestock is limited, but suggests that noise

L003-20

levels about 100 decibels (dBA) Sound Exposure Level (SEL) (the total A-weighted sound experienced by a receiver during a noise event, normalized to a 1-second interval) may cause animals to alter behavior. Accordingly, the FRA *High-Speed Ground Transportation Noise and Vibration Impact Assessment* manual (FRA 2005) considers an SEL of 100 dBA the most appropriate threshold for disturbance effects on wildlife and livestock of all types. The level is based on a summary of the research and studies referenced in the FRA Guidance Manual in Appendix A. Given a reference SEL of 102 dBA at 50 feet for a 220-miles-per-hour HST on ballast and tie track, an animal would need to be within 100 feet of an at-grade guideway to experience an SEL of 100 dBA. At locations adjoining an elevated guideway, an SEL of 100 dBA would not occur beyond the edge of the elevated structure. Refer to Section 3.4.3.3, Impact Assessment Guidance, and Section 3.4.5.3, High-Speed Train Alternatives, of the Revised DEIR/Supplemental DEIS under the heading Noise Effects on Wildlife and Domestic Animals for further information regarding noise effects on wildlife and livestock. Table 3.4-24 of the Revised DEIR/Supplemental DEIS presents the screening distances to the HST tracks within which the level would exceed the criteria and therefore may affect animals for both at-grade and elevated structures. The criterion for assessing potential noise impact on wildlife and domestic animals is an SEL of 100 dBA from HST pass-by events. This criterion is based on research into potential effects from HST noise on animals. These potential effects include relocation, running, physiological effects such as changes in hormones or blood composition, and startle. The criteria for potential startle from rapid onset rates of HST noise apply to humans, as the supporting research is based primarily on human response to rapid onset rates from military aircraft flights. At this time, there is no conclusive evidence of noise and vibration decreasing production in livestock or affecting breeding habits.

L003-21

The formation and assembly of the Agricultural Working Group was an optional effort that the Authority undertook to comprehensively address agricultural concerns and engage agricultural stakeholders as part of its ongoing public outreach strategy. The group was convened around the time of the release of the Draft EIR/EIS to facilitate the understanding of the document, including the impacts identified and the potential mitigation measures outlined. The group met on the following dates: July 29, 2011; August 12, 2011; August 25, 2011; September 7, 2011; September 30, 2011; October

Response to Submission L003 (Michael Miya, Kings County Farm Bureau, October 20, 2012) - Continued

L003-21

28, 2011; November 18, 2011; January 13, 2012; January 27, 2012; February 10, 2012; March 14, 2012; and June 28, 2012. Meeting materials, including white papers, agendas, and correspondence, are available on the Authority's website. The work done by the Agricultural Working Group was used to prepare the Revised DEIR/Supplemental DEIS and the responses to comments.

L003-22

Refer to Standard Response FB-Response-AG-04, FB-Response-AG-05, FB-Response-AG-06.

The Agricultural Working Group was established in July 2011 to assist the Authority as an independent advisory group that could address the issues being raised by the agricultural community. The representatives of this group are specialists and experts in their specific fields of agriculture. They include university, governmental agencies, county agricultural commissioners and agri-business representatives. A series of white papers were produced by this group, based on review of pertinent literature, on the topics identified in the comment and were presented to the High-Speed Rail Authority Board at a public meeting in July 2012. The white papers support the conclusions in the Revised DEIR/Supplemental DEIS.

The information contained in the white papers was considered during preparation of the Final EIR/EIS and is reflected in Standard Responses FB-Response-AG-04, Severance – Farm Impacts; FB-Response-AG-05, Pesticide Spraying/Dust/Pollination; and FB-Response-AG-06, Confined Animal Facilities. The final white papers are available on the Authority's website.

The white papers are references that are part of the administrative record, were available to the public for review, will be considered by decision-makers prior to acting on the Project, and did not need to be part of the Revised DEIR/Supplemental DEIS. The Authority formed an agricultural working group to assist the Authority on agricultural issues. The working group is composed of representatives of universities, government agencies, and agri-business. The group completed a white paper on pesticide use impacts in 2012 (this paper is on the Authority website). That white paper reports there would be no need for new spraying regulations around the HST, as it would be treated

L003-22

like any other transportation corridor. Statements regarding the termination of aerial application of pesticides within 0.25 mile of the HST alignment are an oversimplification of the aerial application process. To conduct aerial applications of pesticides, each farm must submit an application to its respective County Agricultural Commissioner, detailing what types of pesticide they are proposing to spray. It is after receiving this information that the Agricultural Commissioner places restrictions on the farm's application of pesticides. These restrictions include, but are not limited to: buffer zones, aerial spraying height restrictions, mesh size limits, and wind speed restrictions. When creating these restrictions, the Agricultural Commissioner is looking at nearby sensitive receptors (transportation corridors, houses, business, etc.), the proposed pesticides to be sprayed (different pesticides have different spraying restrictions based on the manufacturer's approved application rates), and several other factors that may influence environmental effects of pesticide application. As there are a large number of factors that influence the possible restrictions placed on aerial application of pesticides, an absolute statement of no spraying within 0.25 mile is not reasonable. Several options are available to farmers so they may not have new spraying restrictions placed on them by their Agricultural Commissioner. For example, the farmer could change the pesticides they are proposing to use that have fewer restrictions; they could also plant a different variety of crops adjacent to the HST that does not require the application of pesticides with spraying restrictions.

The Authority recognizes that imposing possible changes to current spraying practice for the HST may reduce the productivity of a farmer's remaining property. Those possible impacts would be taken into account by the appraiser at the time of right-of-way acquisition, and any diminution in value to a property owner's remaining parcel(s) will be estimated by the appraiser through the appraisal process. This involves appraising the remainder as it contributes to the whole property value before acquisition, then appraising the remainder in the after condition as a separate parcel, as though the project was constructed, and including any estimated damages to remainder, such as cost of re-establishing irrigation systems, replacing wells, providing buffers for aerial spraying, etc. The difference between these "before" and "after" values is called severance damages and will reflect any loss in value for the remainder of the property due to the construction in the manner proposed.

Response to Submission L003 (Michael Miya, Kings County Farm Bureau, October 20, 2012) - Continued

L003-22

Land that may be affected by new aerial application restrictions would still be used by the farmer for agricultural purposes, as would new turning areas at the end of crop rows. Therefore, there is no conversion of agricultural land from project impacts to current aerial spraying practices; however, it is an economic hardship in terms of reduced production for remaining parcels of a farm. As is the case with removing land planted in crops for use as equipment turning lanes, the need to provide a buffer for crop spraying will be analyzed and addressed at the appraisal stage with input from the property owners and managers, and experts in the field.

L003-23

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-AG-01, FB-Response-AG-07.

The Revised DEIR/Supplemental DEIS conforms to the requirements of the FPPA. The Authority and FRA have gone to great lengths to maximize the use of existing transportation corridors to minimize potential impacts on agricultural lands. However, this intent must be balanced with considerations of minimizing potential impacts on urbanized areas (typically, noise and residential and business displacements). Also, HST operations impose design requirements that do not always fit within the alignment of the existing transportation corridors and therefore cannot feasibly be built solely within those corridors. Existing corridors are not sufficiently straight, nor are their curve radii long enough to support high-speed operation along their full lengths, and in many cases cannot sustain the speeds necessary to meet the Prop. 1A travel time requirements. Additionally, safety considerations dictate the need to separate the HST from roads and conventional rail (refer to Section 2.4.2.1, Alignment Requirements).

L003-24

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-AG-01.

The Revised DEIR/Supplemental DEIS examines a number of alignment alternatives (see Chapter 2 for a description of the alternative alignments). Some of the alternatives would affect greater amounts of agricultural land than others.

L003-24

Table 3.14-5 in the Revised DEIR/Supplemental DEIS shows the potential permanent conversion of Important Farmlands (by category) for the HST and Table 3.14-6 lists the total acres of protected farmlands (Williamson Act and Farmland Security Zone) affected by project alignment alternatives, including remnant parcels that would likely not be suitable for farming after the project is completed.

In April 2013, the Authority reached an agreement with agricultural interests on mitigation of agricultural land impacts for the Merced to Fresno Section of the HST System (Authority 2013). Under that agreement, the Authority will acquire agricultural conservation easements for its impact on Important Farmland (i.e., land classified as prime farmland, farmland of statewide importance, farmland of local importance, and unique farmland) at the following ratios:

- Important Farmland converted to nonagricultural uses either by direct commitment of the land to project facilities or by the creation of remnant parcels that cannot be economically farmed will be mitigated at a ratio of 1:1.
- Where HST project facilities would create a remnant parcel of 20 acres or less in size, the acreage of that remnant parcel will be mitigated at a ratio of 1:1.
- An area 25 feet wide bordering Important Farmland converted to nonagricultural uses by project facilities (not counting remnant parcels) will be mitigated at a ratio of 0.5:1.

L003-25

Refer to Standard Response FB-Response-AG-07.

The requirements of the Williamson Act are described in Section 3.14.2 of the Revised DEIR/Supplemental DEIS. As described under Impact AG #6 in Section 3.14.5, parcels required for the project that are under Williamson Act contracts would be subject to property acquisition in accordance with the applicable provisions of the program. The Authority has made the necessary findings and submitted the required notice to the Director of Conservation pursuant to Government Code Section 51291.

L003-26

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Project consistency with the Kings County General Plan policies is discussed in Section

Response to Submission L003 (Michael Miya, Kings County Farm Bureau, October 20, 2012) - Continued

L003-26

3.13.2.4, Section 3.13.5.3, and Appendix 3.13A-1.

L003-27

Refer to Standard Response FB-Response-GENERAL-08.

The Authority and FRA consulted with cooperating agencies under NEPA and with trustee and responsible agencies under CEQA regarding specific resource areas associated with these agencies. Interested state, federal, and local agencies were also consulted throughout the process. A full listing of meetings can be found in Chapter 7.

L003-28

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Project consistency with the City of Hanford General Plan policies is discussed in Section 3.13.2.4, Section 3.13.5.3, and Appendix 3.13A-1.

As stated in FRA Docket NO. EP-1, Notice 5, the EIS should assess the impacts of each alternative on local land use controls and comprehensive regional planning as well as on development within the affected environment, including, where applicable, other proposed Federal actions in the area. Where inconsistencies or conflicts exist, this section should describe the extent of reconciliation and the reason for proceeding notwithstanding the absence of full reconciliation. As required by 42 U.S.C. 4332(2)(D)(iv), the Program Office shall provide early notification to, and solicit the views of, any State or Federal land management entity with respect to any alternative which may have significant impacts upon such entity and, if there is any disagreement on such impacts, prepare a written assessment of such impacts and views for incorporation into the final EIS.

L003-29

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-04, FB-Response-AG-05, FB-Response-AG-06.

The Agricultural Working Group was established in July 2011 to assist the Authority as

L003-29

an independent advisory group that could address the issues being raised by the agricultural community. The representatives of this group are specialists and experts in their specific fields of agriculture. They include representatives from universities, governmental agencies, county agricultural commissions and agri-business. A series of white papers was produced by this group, including on the topics of wind generation and pesticides, and those were presented to the High-Speed Rail Authority Board in July 2012. The information contained in the white papers was considered during preparation of the Final EIR/EIS and is reflected in Standard Responses FB-Response-AG-04, Severance – Farm Impacts; FB-Response-AG-05, Pesticide Spraying/Dust/Pollination; and FB-Response-AG-06, Confined Animal Facilities. The final white papers are available on the Authority's website.

Federal and state Laws require that the Authority pay fair market value for the land that is acquired. The land acquisition process occurs before construction. It is during this phase that the Authority's right-of-way agent will work with individual land owners to mitigate impacts from both construction and operation of the HST. If farmland is not farmable, the Authority will compensate the landowner at fair market value.

The Agricultural Working Group completed a white paper on pesticide use impacts in 2012 (this paper is on the Authority website). That white paper reports the following.

At the present time there are numerous railways that traverse the San Joaquin Valley. Additionally, the Valley has established interstate and state freeways, highways, and local roadways which include their respective right-of-ways and are all considered "transportation corridors." Transportation corridors are recognized as a part of the overall environment of the Valley. Regulations already exist relating to pesticide use in or near transportation corridors. There are no buffer zones specifically addressing passenger trains; therefore, a passenger train traveling at a high rate of speed does not create a need for a buffer zone different from those already established. Currently, crops are planted up to the edge of these transportation corridors with farmers still being able to effectively utilize spraying. It is therefore unlikely that a farm that is adjacent to the HST will not be able to effectively administer pesticides by either aerial or ground application methods.

Response to Submission L003 (Michael Miya, Kings County Farm Bureau, October 20, 2012) - Continued

L003-29

A new railway represents either a new impediment (where none previously existed) to customary agricultural practices or is an augmentation to an already existing transportation corridor footprint. Growers in the path of the railway where the route leaves an established transportation corridor and creates a new corridor across their farmland will be subject to the implementation of existing regulatory restrictions depending on conditions and circumstances of the type of pesticide being used. All that would be new to the grower would be the enforcement of existing regulations for conditions that did not exist prior to the construction of the route through their property.

Choices of crops or livestock to produce would be influenced more by forces outside of a high-speed train than the train itself. Similarly, the choice of what pesticide to use for any particular need should not be influenced by a high-speed train any more than already exists for any other transportation corridor in the locality. The expectation of pesticide regulators would be that any pesticide application be made in compliance with all applicable laws, regulations, and conditions.

As to the question about buffer zones, their utilization will only be required where such safety protocol is called for when making an application adjacent to a transportation corridor. There are no buffer zones specifically addressing passenger trains; therefore, a passenger train traveling at a high rate of speed does not create a need for a buffer zone different from those already established. The HST is fully sealed, in part to provide comfortable high speed travel for passengers, and would not require setbacks from spraying operations

As is the case with removing land planted in crops to use it for equipment turning lanes, the need to provide a buffer for crop spraying will be analyzed and addressed at the appraisal stage with input from the property owners and managers, and experts in the field.

L003-30

Refer to Standard Response FB-Response-AG-02, FB-Response-AG-03.

For information on the economic effects on agriculture, see Volume I, Section 3.12, Impact SO #15. For a detailed analysis of the effects of the HST project on agricultural

L003-30

production, see Appendix C of the Community Impact Assessment Technical Report. The analysis in this appendix provides these results by county and by project alternative in terms of the number of acres of agricultural production loss, the resulting annual revenue loss in both dollar and percentage terms for each type of agricultural product, and the employment loss.

L003-31

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AQ-03.

L003-32

HSR policy is to provide roadway overpasses approximately every 2 miles, resulting in no more than 1 mile of out-of-direction travel for vehicles to cross the HST tracks. In most locations in the Fresno to Bakersfield Section, roadway overpasses would be provided more frequently, approximately every mile or less, because of the existing roadway infrastructure. Consequently, out-of-direction travel would be limited to approximately 1 mile in nearly all locations in the project area. Section 3.11.6 of the Revised DEIR/Supplemental DEIS explains that the project design would include coordination with emergency responders to incorporate roadway modifications that maintain existing traffic patterns and fulfill response route needs, resulting in negligible effects on response times by service providers. Section 3.11.5, Safety and Security Environmental Consequences, of the Revised DEIR/Supplemental DEIS provides additional detail regarding emergency response time during HST operations.

L003-33

Refer to Standard Response FB-Response-AG-01, FB-Response-GENERAL-01, FB-Response-GENERAL-04.

The Authority disagrees with this opinion of the commenter. The Revised DEIR/Supplemental DEIS represents a good faith effort at analysis, disclosure, and mitigation of impacts consistent with the requirements of CEQA and NEPA.

L003-34

Refer to Standard Response FB-Response-GENERAL-21.

Submission L004 (Diana Peck, Kings County Farm Bureau, August 28, 2012)

This transcript was prepared for you by:
Fresno Court Reporters

1 reconcile this lack of environmental justice? Were
2 these factors considered in the Merced to Fresno EIS?
3 I ask you to do your due diligence and
4 withdraw -- I'd like to ask you to trash the whole thing
5 but, I'm just going to say withdraw the EIS until the
6 California High Speed Rail Administration actually
7 demonstrates that it's complying with NEPA rather than
8 just pretending to do so on paper.
9 And it's a personal matter of mine, to
10 withhold it until they give us some information about I5
11 and a study. Thank you very much.
12 MR. MORALES: Thank you, Mr. Browning.
13 We have a new speaker, Diana Peck.
14 MS. PECK: Hello. My name is Diana Peck.
15 I'm with Kings County Farm Bureau. I'm the program
16 coordinator for the Farm Bureau. And I wanted to share
17 with you that as we, the Farm Bureau, prepare our
18 comment letter in review of your Draft Environmental
19 Document, our objective will be to demonstrate not only
20 the deficiencies of your document, but that your
21 decision to impact Kings County and settling on these
22 alignments that disproportionately affect agricultural
23 land in Hanford east, Hanford west alignment. Your
24 decision -- your agency made that decision arbitrarily
25 and with prejudice, not providing this community the

Page 114

Hanford High-Speed Train Meeting
559-224-9700

This transcript was prepared for you by:
Fresno Court Reporters

1 same rights, privileges, and considerations provided to
2 other communities in the Valley and the state.
3 For more than two years, we and our local
4 government have opposed this alignment -- these
5 alignments, actually, now, that deviate from existing
6 transportation corridors and traverse through miles of
7 productive farmland.
8 In your own record of decision on the 2005
9 environmental document, the FRA stated that the high
10 speed train alternative would benefit the environment by
11 using existing transportation corridors and rail lines
12 to minimize the impacts on California's landscape.
13 You also stated that the high speed train
14 alternative would provide land use benefits by being
15 highly compatible with local and regional plans that
16 support rail systems and transit oriented development
17 and offering opportunities for increased land use
18 efficiency. In fact, you were directed by EPA in their
19 comment letter in the 2005 document to, as you move from
20 the program level analysis to project level, to study
21 alternatives -- study and actually compare alternatives
22 with and without a community bypass loop. And here in
23 Hanford we have two community bypass loops that we're
24 presently looking at.
25 Early on, we worked with you by providing

Page 115

Hanford High-Speed Train Meeting
559-224-9700

Submission L004 (Diana Peck, Kings County Farm Bureau, August 28, 2012) - Continued

This transcript was prepared for you by:
Fresno Court Reporters

1 input and comments encouraging you to adhere to these
2 principles that you stated in your record of decision
3 but you refused.

4 So here's what I want to say, because the
5 ultimate purpose of your EIS is to assist in decision
6 making, to help public officials make decisions that are
7 based on an understanding of the environmental
8 consequences, it's important to note that your document
9 is filled with language that is manipulative, confusing,
10 and contradicting.

11 Today I am going to point out specifically
12 one significant flaw, just one. Our letter will go
13 through the rest. But today I know I have a limited
14 amount of time.

15 This significant flaw stated in your
16 document has been the subject of more than two years of
17 debate right here in Kings county between the California
18 High Speed Rail Authority and our Kings County
19 Government. Why in this -- and this is regarding the
20 consistency with local land use plans.

21 Now, why is this important to Farm Bureau?
22 Because we have gotten behind our local government and
23 as they work diligently to protect the agricultural
24 resources of our county through their agriculture
25 preservation and land use policies, it is very important

Page 116

Hanford High-Speed Train Meeting
559-224-9700

This transcript was prepared for you by:
Fresno Court Reporters

1 to us.

2 In your land use, in your station land use
3 and development section of your document, section 3.13,
4 here's what I want to state, here is the confusing
5 language.

6 You state that this section describes the
7 regulatory setting and affected environment for land use
8 and identified the potential effects of the project,
9 both beneficial and negative, on land use associated
10 with alternative alignment station and station areas and
11 the HMS.

12 You further state this section also
13 addresses whether the project would be consistent with
14 regional and local goals and policies. In talking about
15 the cities of Fresno and Bakersfield you state by
16 following existing transportation corridors as much as
17 possible, the design of the high speed train project
18 reduces land use conflicts.

19 And in your section 3.132.3 you state the
20 following regional and local plans and policies were
21 identified and considered in the preparation of this
22 analysis. A full listing of the policies and project's
23 consistency is included in appendix 3.13 A. Implying to
24 me, as a reviewer of the document, that consistency is
25 of important significance.

Page 117

Hanford High-Speed Train Meeting
559-224-9700

Submission L004 (Diana Peck, Kings County Farm Bureau, August 28, 2012) - Continued

This transcript was prepared for you by:
Fresno Court Reporters

L004-2

1 Yet, you've added in your revised document,
2 in section 3.13.2.4, a new section that you added, you
3 state that the high speed train project is an
4 undertaking of the Authority and FRA in their capacity
5 as state and federal agencies. As such, it is not
6 required to be consistent with local plans. However,
7 the high speed train project's consistency with local
8 plans is described here by alternative et cetera, et
9 cetera. So you're stating it doesn't have to be
10 consistent.

11 In just one section where you talk about the
12 Hanford West Bypass and East Bypass alternatives, you
13 state that this would extend through areas of
14 agriculture land -- of agricultural land uses and a new
15 right-of-way and would not be consistent with the San
16 Joaquin Valley blueprint principle seven and eight nor
17 with the Kings County general plan policy. So you state
18 -- that's just a number of one of the inconsistencies
19 that you have stated.

20 The thing I want to say that is false is
21 that your statement, that you don't have to be
22 consistent. Just as a member of the public and a
23 reviewer of the document, I found that the council on
24 environmental qualities regulations for implementing
25 NEPA section 1502.16 under environmental consequences

Page 118

Hanford High-Speed Train Meeting
559-224-9700

This transcript was prepared for you by:
Fresno Court Reporters

L004-2

1 states that your document, the EIS, shall include
2 discussions of, among others, the possible conflicts
3 between the proposed action and the objectives of
4 federal, regional, state, and local and then, the case
5 of reservation Indian tribe, land use, plans, policies
6 and controls for the area concerned. See section 15.06.

7 So in 15.06, it states to better integrate
8 environmental impact statements into state or local
9 planning processes, statements shall discuss -- the EIS
10 shall discuss any inconsistencies of your proposed
11 action with any approved state or local plan where an
12 inconsistency exists, the statement should describe the
13 extent to which the agency, that's you, would reconcile
14 its proposed action with that plan. Reconcile to mean
15 to make consistent or congruous. To bring into
16 agreement or harmony, to make compatible or consistent.

17 So I believe this is a significant
18 contradiction to the CEQA regulation. And I believe
19 it's a significant flaw in your document. Thank you.

20 MR. MORALES: Thank you, Ms. Peck.

21 Todd Fukuda.

22 MR. FUKUDA: First off, I would like to say
23 I think it's unfair that you put me behind Diana Peck.
24 That's just totally unfair. She's awesome.

25 To the FRA, thank you for coming and for

Page 119

Hanford High-Speed Train Meeting
559-224-9700

Response to Submission L004 (Diana Peck, Kings County Farm Bureau, August 28, 2012)

L004-1

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

L004-2

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

The comment states that NEPA regulations 40 CFR Parts 1500-1508 require that lead agencies discuss possible conflicts between the proposed action and the objectives of federal, state, regional, and local land use plans and describe the extent to which the lead agency would reconcile its proposed action with the plan or law. As stated in Section 3.13.2.3 of the Revised DEIR/Supplemental DEIS, cities and counties in the study area control the location and intensity of development through implementation of their local plans. The HST Authority is committed to working with agencies with land use plans and policies that are affected by the HST project. This discussion with agencies is ongoing and will be occurring in the future as the project progresses.

